

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] Ask a Planner - Dawn Weller - SU-22-0003 - CEMEX Lyons
Date: Wednesday, August 17, 2022 11:44:04 AM

@L'Orange, Pete

Fyi
bbg

-----Original Message-----

From: Ask A Planner <no-reply@wufoo.com>
Sent: Wednesday, August 17, 2022 11:12 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Ask a Planner - Dawn Weller - SU-22-0003 - CEMEX Lyons

Boulder County Property Address : CEMEX Lyons If your comments are regarding a specific Docket, please enter the Docket number: SU-22-0003

Name: Dawn Weller

Email Address: weller.dawn@gmail.com

Phone Number: (303) 517-8505

Please enter your question or comment: I am totally opposed to the proposed 15 year mining extension at Dowe Flats. This quarry is part of the highest polluter in Boulder County and the 4th highest in the State of Colorado. When are we going to take climate change SERIOUSLY and ACT instead of giving it lip service?

The plant is old and intensely polluting. It's time to retire the quarry per the original 25 year mining permit and demonstrate ACTION and COMMITMENT to achieving both Boulder and the State of Colorado emission reduction goals.

Concerned Lyons resident and earth citizen.

Dawn Weller

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Alberta Shulman](#)
To: [L"Orange, Pete](#)
Subject: [EXTERNAL] Recommend Rejection of Current Proposal for SU-22-0003
Date: Wednesday, August 17, 2022 11:49:48 AM

To whom it may concern,

I am writing to make it known I am strongly opposed to the proposed extension of the Cemex Lyons Plant and the Dowe Flats mining, laid out in docket SU-22-0003.

I am a resident of Boulder County who has recently moved to the west side of Highway 36 and am now living in close proximity to the Cemex Lyons Plant. I witness daily the air and light pollution caused by Cemex. As someone who is hoping to remain in this area and who is expecting my first child with my husband in January of 2023, I cannot accept the years of detriment continuing to run the Lyons Cemex Plant will have to my family and so many others.

Again, I am asking you to please reject the proposed plan in docket SU-22-0003 and put the citizens of Lyons and Longmont first.

Thank you,

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] Cemex extention Su-22-003
Date: Wednesday, August 17, 2022 12:22:06 PM

[@L'Orange, Pete](#)

From: aster starr <astersrblooming@email.com>
Sent: Wednesday, August 17, 2022 12:13 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Cemex extention Su-22-003

Hi, I am concerned about Cemex extending their mining for anotheer 15 years. I f the goal is to decerese greenhouse gases in Boulder county than Cemex contributing 357 tons of CO2 is not going to help. The impact of this extention on our air quality and public health is not worth it.

From: [Barbara Hofmann](#)
To: [L"Orange, Pete](#)
Subject: [EXTERNAL] Cemex
Date: Wednesday, August 17, 2022 1:03:45 PM

I would like to add my voice to those who think that a clean environment is more important than the polluting Cemex plant's bottom line. Please do not renew their lease on this land. They need to leave sooner rather than later. They are polluting the air that all of us are breathing and this is not ok.

Thank you,
Barbara Hofmann
Boulder county resident

From: [Molly Hardman](#)
To: [L"Orange, Pete](#)
Subject: [EXTERNAL] RE SU-22-0003
Date: Wednesday, August 17, 2022 2:01:05 PM

I am writing to express my strong objection to the plan to extend mining and operations at the CEMEX facility for the next 15 years. I urge the planning committee to reject this application. I recommend that the commission look more carefully at the recommendations that come from the Lyons Board of Trustees.

Molly Hardman

11676 Pointe View Drive, Longmont 80503

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“Whatever you can do or dream you can, begin it. Boldness has genius, power and magic in it!”

— Johann Wolfgang von Goethe

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] Ask a Planner - Raymond Steckling - SU-22-0003 - 902 Timber Court
Date: Wednesday, August 17, 2022 2:17:39 PM

-----Original Message-----

From: Ask A Planner <no-reply@wufoo.com>
Sent: Wednesday, August 17, 2022 2:08 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Ask a Planner - Raymond Steckling - SU-22-0003 - 902 Timber Court

Boulder County Property Address : 902 Timber Court If your comments are regarding a specific Docket, please enter the Docket number: SU-22-0003

Name: Raymond Steckling

Email Address: cuzinray@yahoo.com

Phone Number: (720) 935-9081

Please enter your question or comment:

I do not want to extend the mining permit due to our living environment quality.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] Ask a Planner - Stacey Wilkinson - SU-22-0003 - Cemex Cement Plant, 5134 Ute Hwy, 80503, Longmont
Date: Wednesday, August 17, 2022 2:38:18 PM

@L'Orange, Pete
Fyi
bbg

-----Original Message-----

From: Ask A Planner <no-reply@wufoo.com>
Sent: Wednesday, August 17, 2022 2:33 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Ask a Planner - Stacey Wilkinson - SU-22-0003 - Cemex Cement Plant, 5134 Ute Hwy, 80503, Longmont

Boulder County Property Address : Cemex Cement Plant, 5134 Ute Hwy, 80503, Longmont If your comments are regarding a specific Docket, please enter the Docket number: SU-22-0003

Name: Stacey Wilkinson

Email Address: mtqyysotxuyz@opayq.com

Please enter your question or comment: Dear Commissioners, I strongly oppose the renewal of the land lease for Cemex because I'm concerned about carcinogens in our air and water, and their impact not only on human life, but also on our regional ecosystems.

Sadly, the Cemex plant is the biggest polluter in the county, and the fourth biggest polluter in the state. It has a troubling history of poor community relations and environmental violations. We are desperately in need of reducing carbon output in response to our climate crisis, moving towards renewable, green energy and resources, and terminating the land lease for Cemex will be a critical step in that direction.

Thank you very much for all your hard work and your consideration of this urgent issue on behalf of the public.

Stacey Wilkinson

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] Ask a Planner - Alexandra Rodriguez - SU-22-0003 - 11399 Vermillion Road
Date: Wednesday, August 17, 2022 4:19:12 PM

-----Original Message-----

From: Ask A Planner <no-reply@wufoo.com>
Sent: Wednesday, August 17, 2022 4:10 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Ask a Planner - Alexandra Rodriguez - SU-22-0003 - 11399 Vermillion Road

Boulder County Property Address : 11399 Vermillion Road If your comments are regarding a specific Docket, please enter the Docket number: SU-22-0003
Name: Alexandra Rodriguez
Email Address: alexandrataylor391@gmail.com Phone Number: (845) 242-6631 Please enter your question or comment: I strongly oppose the renewal of the CEMEX permit to mine at Dowe Flats.

Cement is among the dirtiest industries on the planet. Production of cement creates 2.3 billion tons of carbon dioxide per year -- or 6.5% of global CO2 emissions according to a 2020 IEA (International Energy Agency) study.

There is no repairing the negative impacts that reopening the CEMEX mining plant to it's full scale operations will have on the surrounding environments, especially after 15 years of operation. Just look back to the January 9, 2009 EPA issued Notice of Violation to CEMEX.

"The Complaint alleges that CEMEX made major modifications to the Lyons facility resulting in increased emissions of NOx without first obtaining a pre-construction permit and installing required pollution control equipment. These actions violate the Clean Air Act (CAA) Prevention of Significant Deterioration (PSD) provisions, Part C of Title I of the CAA. As required under the CAA, the EPA issued a Notice of Violation to CEMEX and on January 9, 2009, the Department of Justice filed a civil complaint in District Court for the District of Colorado. This settlement resolves all of the alleged violations in the Complaint."

What is to stop this from happening again?

In relation to economic development and job creation for the state of Colorado, please keep in mind that the Outdoor Recreation industry in Colorado employs approximately 229,000 people. CEMEX Lyons employees on average, 100 people. Most employees are not residents of Boulder County.

Please deny the permit extension.

Thank you.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

My name is Molly Hardman and I live at 11676 Pointe View Drive in the North Pointe subdivision in rural Boulder county – close to the intersection of US 36 and Hygiene road. I have lived in Boulder county for 39 years, first in the city of Boulder and in my current location for 12 years.

I find it disingenuous that the criteria presented by county staff are all related to Dowe flats and completely ignore the impact of the CEMEX facility itself. I find it very unfortunate that the planning staff recommendation will in effect permit another 15 years of operation of the greatest polluter in Boulder county.

I recognize that the main goal of Parks and Open Space is to acquire more and more land, but I don't understand how they would like to acquire land at the expense of our clean air. The CEMEX facility is also a significant source of light pollution and I believe that dark skies are something the P&OS cares about.

I don't understand how this process proceeded without significant input from the town of Lyons.

Although county staff are saying that the plant itself is NOT under review, it is my understanding that per the state of Colorado dept of Mining and Reclamation, the plant's state operating permit doesn't permit it to operate unless the adjacent mine is active.

Finally I don't think it's fair or ethical or logical to have the planning staff support their recommendation to approve the application without acknowledging the negative effects of an additional 15 years of plant operations on our clean air in Boulder county. How are we to reach our climate goals and prepare for our children and grandchildren's future if we just willy, nilly allow the plant to continue operating for another 15 years.

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] Ask a Planner - Ruth Przybeck - SU-22-0003 - 1325 Wildrose Court Longmont CO 80503
Date: Monday, August 22, 2022 7:11:44 AM

@L'Orange, Pete

Fyi
bbg

-----Original Message-----

From: Ask A Planner <no-reply@wufoo.com>
Sent: Friday, August 19, 2022 5:55 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Ask a Planner - Ruth Przybeck - SU-22-0003 - 1325 Wildrose Court Longmont CO 80503

Boulder County Property Address : 1325 Wildrose Court Longmont CO 80503 If your comments are regarding a specific Docket, please enter the Docket number: SU-22-0003

Name: Ruth Przybeck

Email Address: tprzybeck@gmail.com

Phone Number: (303) 562-4886

Please enter your question or comment: Commissioners:

We urge you to REJECT the Cemex Application to continue operations at Dowe Flats Quarry for another 15 years. Their application request impacts public health (e.g. cement dust), creates noise pollution, results in road damage and excessive traffic (trucks) and takes away our open space.

Ruth and Tom Przybeck
Longmont

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] Ask a Planner - Elizabeth Marsis - SU-22-0003 -
Date: Monday, August 22, 2022 7:18:11 AM

@L'Orange, Pete

Fyi
bbg

-----Original Message-----

From: Ask A Planner <no-reply@wufoo.com>
Sent: Sunday, August 21, 2022 3:51 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Ask a Planner - Elizabeth Marsis - SU-22-0003 -

If your comments are regarding a specific Docket, please enter the Docket number: SU-22-0003

Name: Elizabeth Marsis

Email Address: lizmarsis@icloud.com

Phone Number: (401) 261-3426

Please enter your question or comment: No renewal of CEMEX lease and license to operate until AFTER

1) previous CEMEX ecological damage to the area has been restored. They have already proven themselves to be bad business neighbors and do not deserve to be rewarded for that.

2) cessation of limestone mining. Traditional cement manufacturing is one of dirtiest industrial processes. In addition, this product is used locally for fracking and future reservoirs- both bad economic investments based on climate economics. So, why is this being considered?

3) if you are going to succumb to outdated traditional economic thinking, then after having proven themselves to be "responsible" and remediating past damages, consideration of a new lease must be conditioned on their upfront investment in manufacturing a less harmful production method using zeolites instead of limestone. This third option is a last resort option if you feel that you must succumb to the pressure of money-based politics rather than the good governance for the sake of community-welfare.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] Ask a Planner - Kathleen Sands - SU-22-0003 - 1612 Green Place
Date: Monday, August 22, 2022 7:18:45 AM

@L'Orange, Pete

Fyi

bbg

-----Original Message-----

From: Ask A Planner <no-reply@wufoo.com>

Sent: Sunday, August 21, 2022 4:02 PM

To: LU Land Use Planner <planner@bouldercounty.org>

Subject: [EXTERNAL] Ask a Planner - Kathleen Sands - SU-22-0003 - 1612 Green Place

Boulder County Property Address : 1612 Green Place If your comments are regarding a specific Docket, please enter the Docket number: SU-22-0003

Name: Kathleen Sands

Email Address: solasands@gmail.com

Phone Number: (303) 642-6144

Please enter your question or comment: Please update website link with current date of next meeting on September 1 at 1:30pm.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] Ask a Planner - Kris Wolslegel - Su-22-0003 - Do we Flats Mining area
Date: Monday, August 22, 2022 7:21:23 AM

@L'Orange, Pete

Fyi
bbg

-----Original Message-----

From: Ask A Planner <no-reply@wufoo.com>
Sent: Friday, August 19, 2022 2:21 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Ask a Planner - Kris Wolslegel - Su-22-0003 - Do we Flats Mining area

Boulder County Property Address : Do we Flats Mining area If your comments are regarding a specific Docket, please enter the Docket number: Su-22-0003

Name: Kris Wolslegel

Email Address: kmwolsle@aol.com

Please enter your question or comment: I recently heard that the Cemex plant in Lyons is scheduled to renew their mining permit soon. As they are such a serious polluter in our area, it would be beneficial to the health of our community if the county did not renew their permit. Or at the very least, it should be a provision of their permit that they must seriously cut emissions and pollution from their plant. Boulder County has become such an eco-conscious place to live. I'm proud of our planners for that, and I hope you can find a way to alter the Cemex plant situation for the health of our communities. Thank you!

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.



Bart Lorang <lorangb@gmail.com>

Question on M1977-208 Inspection Report

Eschberger - DNR, Amy <amy.eschberger@state.co.us>

Mon, Jul 11, 2022 at 8:28 PM

To: Bart Lorang <lorangb@gmail.com>

Cc: Sarah Lorang <lorang.sarah@gmail.com>, Patrick Lennberg - DNR <patrick.lennberg@state.co.us>

Hi Bart,

That is correct, the approved reclamation plan for the Lyons Quarry mining permit (M-1977-208) includes eventually removing the plant and reclaiming the site to pastureland. A mining permit is issued by our office for the full life of the mine (from development and mining through reclamation), with no deadlines for completing mining at the site. Once mining activities have completed, Rule 3.1.3 requires that reclamation be carried to completion by the operator with all reasonable diligence, and each phase of reclamation be completed within five years from the date that mining has ceased, unless extended by the Division. The five-year period may be applied separately to each phase as it is commenced throughout the life of the mine.

For this site, mining activities are still occurring with the processing of material mined from the Dowe Flats Mine. If mining at the Dowe Flats Mine were to cease, that would have implications on the Lyons Quarry permit. Any changes to the approved plan, such as changing the primary source location for the plant, would need to be reviewed by our office through the appropriate revision submittal. If the operator wants to propose leaving the cement plant operations in place for final reclamation, this would need to be submitted to our office in the form of an Amendment application (to change the post-mining land use to industrial/commercial). Of course, they would need to demonstrate this proposal is compliant with local land use and zoning requirements.

As for the approved reclamation plan, unfortunately, there is not a single document that includes all details of the approved plan. We approve an original permit application, then afterward, the reclamation plan (as well as other portions of the approved permit) can be revised through multiple revisions over the life of the permit. I can tell you we have approved a total of 16 Technical Revisions for this permit since the original application was approved back in 1978. The most recently approved reclamation plan map (from 2004) was enclosed with my last inspection report.

You can review all permit files through our online imaged document system (Laserfiche) which is available on our website at <https://dnrweblink.state.co.us/drms/search.aspx?dbid=0>. You can also access Laserfiche by going to our homepage at <https://drms.colorado.gov> and clicking on "DRMS Weblink (Laserfiche)". Once you're in Laserfiche, just type the permit number (M1977208) into the "Permit No" field (with no dashes or spaces) and hit Enter. Tip: you can sort the files by date by clicking on the "Doc Date" column header.

Hope this helps!

By the way, we did a county shuffle here recently and I am no longer the specialist assigned to Boulder County. The new specialist for this county is Patrick Lennberg, which I'm copying on this email.

Best Regards,

Amy Eschberger
Environmental Protection Specialist



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

I am working remotely and can be reached at 303-945-9014.

O: 303.866.3567 x 8129 | C: 303.945.9014 | F: 303.832.8106

Physical Address: [1313 Sherman Street, Room 215, Denver, CO 80203](#)**Address for FedEx, UPS, or hand delivery:**[1001 E 62nd Ave, Denver, CO 80216](#)Amy.Eschberger@state.co.us | <https://drms.colorado.gov>

[Quoted text hidden]



Bart Lorang <lorangb@gmail.com>

Question on M1977-208 Inspection Report

Eschberger - DNR, Amy <amy.eschberger@state.co.us>

Wed, Jul 13, 2022 at 7:37 PM

To: Bart Lorang <lorangb@gmail.com>

Cc: Sarah Lorang <lorang.sarah@gmail.com>, Patrick Lennberg - DNR <patrick.lennberg@state.co.us>

Hello Bart,

If mining were to cease at the Dowe Flats Mine, we would need to have discussions with the operator regarding their future plans for the Lyons Quarry plant. If they plan to continue operating the plant (without Dowe Flats), they will most likely need to revise the mine permit. The permit can be revised through submittal of a Technical Revision or Amendment application, depending on what they propose. A proposed change in post-mining land use (e.g., from rangeland to industrial/commercial - to leave the plant for final reclamation) and/or a significant change to the reclamation plan must be reviewed through the Amendment process. The review period for a 112c permit Amendment application is 90 days. However, the operator can request extensions of the initial decision date, and it is not uncommon for the review period to take several months longer.

Notice of an Amendment application is sent to various local, state, and sometimes federal agencies (this would include the county and any municipalities located within 2 miles of the site). Notice of the application is also sent to landowners and adjacent landowners. Additionally, the operator must place notice sign(s) at the mine site, place a copy of the application for public review with the County Clerk and Recorder's Office, and publish a newspaper notice in the locality of the mine site once a week for four consecutive weeks.

The public comment period for a 112c Amendment application begins when the application is filed, and ends 20 calendar days after the date of the last newspaper publication. There is no public comment period for Technical Revisions.

To learn more about the public notice procedures for an application, I would recommend reading our Construction Materials Rule 1.6. I'm attaching a copy of these rules for your convenience (you can also view/download them from our website at <https://drms.colorado.gov/rules-and-regulations>).

Best Regards,

Amy Eschberger
Environmental Protection Specialist



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

I am working remotely and can be reached at 303-945-9014.

O: 303.866.3567 x 8129 | C: 303.945.9014 | F: 303.832.8106

Physical Address: [1313 Sherman Street, Room 215, Denver, CO 80203](#)

Address for FedEx, UPS, or hand delivery:

[1001 E 62nd Ave, Denver, CO 80216](#)

Amy.Eschberger@state.co.us | <https://drms.colorado.gov>

[Quoted text hidden]



Construction-Materials-Rules.pdf

762K

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: SU-22-003
Date: Wednesday, August 24, 2022 1:58:11 PM

@L'Orange, Pete
Fyi
bbg

-----Original Message-----

From: Denise Motta <denmot@cybercon.net>
Sent: Wednesday, August 24, 2022 1:49 PM
To: LU Land Use Planner <planner@bouldercounty.org>; Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

To: BoCo Planning Commission and Boulder County Commissioners

I strongly encourage you to protect our communities and reject the permit SU-22-003.

I strongly oppose renewing the CEMEX plant permit!

Thank you,

Denise Motta, NSCA-CPT, E-RYT500
Yoga, Pilates & Fitness Instructor
denmot@cybercon.net

"Take nothing but pictures. Leave nothing but footprints. Kill nothing but time." -- John Muir (Father of the National Parks)

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] Your Longmont neighbor asks you to reject Cemex permit extension
Date: Wednesday, August 24, 2022 2:50:48 PM

-----Original Message-----

From: Jade <paprika579@gmail.com>
Sent: Wednesday, August 24, 2022 2:49 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] Your Longmont neighbor asks you to reject Cemex permit extension

Hello,

I live in Longmont and I'm writing to you to ask you to reject the extension of the Cemex permit to mine in Boulder County.

Please listen to the people of Lyons, who have made their voices heard clearly in rejection of this extension. My neighbors in Longmont, Lyons, Hygeine, and throughout the county are concerned about pollution and bad air quality that Cemex is a known contributor of.

Planning Commission and Boulder County a commissioners, please oppose renewing the CEMEX plant permit!

Your neighbors,
Jose and Jade Perez

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003 CEMEX mine
Date: Wednesday, August 24, 2022 3:46:16 PM

From: David / Donna <david-donna@verizon.net>
Sent: Wednesday, August 24, 2022 3:37 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003 CEMEX mine

375,000 tons of Co2 emitted annual by the Cemex cement plant! Enough is enough. The air quality on the Front Range is extraordinarily bad. Children cannot play outdoors in the summer for fear of developing asthma.

Please use some common sense and respect humanity over corporate profit by NOT renewing the mining permit that would allow Cemex to pollute our air for another 15 years.

David Rogers
Boulder, CO

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: Please, no extension for Cemex
Date: Wednesday, August 24, 2022 4:53:14 PM

From: Gaia Mika <gaia.mika@Colorado.EDU>
Sent: Wednesday, August 24, 2022 4:33 PM
To: LU Land Use Planner <planner@bouldercounty.org>; Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] Please, no extension for Cemex

Dear Planning Commission,
It is time right now, not in a few years, to do everything we possibly can to address climate change. And yet, I understand that the County Planning Staff is recommending we allow the CEMEX plant near Lyons another 15 years of mining and making cement. CEMEX is the largest emitter of CO2 in our county. Please recommend to the commissioners that we do not extend their permit.

Thank you,
Gaia Mika
1501 Dellwood Ave.
Boulder, C) 80304

Gaia Mika
mika@colorado.edu

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Thursday, August 25, 2022 8:35:28 AM

From: Alex Markevich <ajmarkevich@gmail.com>
Sent: Wednesday, August 24, 2022 9:06 PM
To: LU Land Use Planner <planner@bouldercounty.org>; Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Sirs,

Please reject the application of CEMEX to continue mining at the Dowe Flats mine near Lyons. We do not need this kind of continued pollution in Boulder County. And continued mining is not consistent with the Boulder Comprehensive Plan.

Regards,

Alex Markevich
5570 Magnolia Drive
Nederland, CO 80466
ajmarkevich@gmail.com
303 442-4475

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003 / CEMEX permit application
Date: Thursday, August 25, 2022 10:01:10 AM

From: E J <esjboulder@gmail.com>
Sent: Thursday, August 25, 2022 9:52 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003 / CEMEX permit application

To whom it may concern:

I oppose the renewal of the CEMEX plant permit, and hope that Boulder County will deny it.

Cement is one of the most greenhouse-gas intensive industries. Until better ways are found to make cement, as well as reduce use and substitute other materials in its place, it will have a massive carbon footprint.

I don't think Boulder County can claim leadership in genuinely addressing climate change while permitting business as usual by a major emitter for another fifteen years. We need to be clear-eyed about this: permitting cement production is dumping the climate problem on future generations. That is unconscionable.

Sincerely,

Eric Johnson
3030 14th St
Boulder CO 80304

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: SU. 22 003
Date: Wednesday, August 24, 2022 2:05:41 PM

[@L'Orange, Pete](#)

Fyi
bbg

From: Eric Tussey <eric@tussey.com>
Sent: Wednesday, August 24, 2022 2:00 PM
To: LU Land Use Planner <planner@bouldercounty.org>; Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU. 22 003

Dear planning and county commissioners,

I am out of town currently but I just heard that the Cemex plant in Lyons is trying to renew its permit to operate.

Myself, my family and my neighbors oppose this industrial operation. It affects humans, wildlife, the greater Denver air quality, and speeds up climate change to our planet.

My understanding was years ago. After numerous violations and complaints from various communities- they were given a limited time to operate... and then it would be finished and our community would be able to breathe easier. I am looking forward to the day the permit to operate ends.

Please do not renew the permit for an ongoing environmental disaster.

Protect the people, wildlife, and environment of Boulder County.

Thank you
Eric Tussey
Boulder County resident

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From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Thursday, August 25, 2022 4:55:51 PM

[@L'Orange, Pete](#)

Fyi
bbg

From: Chris C. Hoffman <hoopandtree@aol.com>
Sent: Thursday, August 25, 2022 4:41 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

To the Boulder County Planning Staff:

As a long-time resident of Boulder County, I strongly oppose granting an extension of the permit for Cemex to continue mining at Dowe Flats for another 15 years.

The cement plant is powered by coal and pumps out more than 350,000 tons of carbon dioxide each year in addition to significant amounts of mercury, dioxin, and other compounds that are harmful to public health and special places like Rocky Mountain National Park.

This pollution is incompatible with the global need to reduce greenhouse gas pollution. Extending the permit would make a mockery of Boulder County's own 2019 declaration of a climate emergency. The cement plant is the number one polluter in Boulder County. It has been estimated that the plant represents a full 12.5% of the County's 2030 emission reduction goals. Eliminating the plant's emissions is the single most impactful action Boulder County could take to achieve our 2030 targets.

Chris Hoffman

Chris Hoffman
1280 Fairfield Drive
Boulder, CO 80305 USA
303-513-3621 (mobile)

From: [LU Land Use Planner](#)
To: [lynne s](#); [LU Land Use Planner](#); [L'Orange, Pete](#)
Cc: [Boulder County Board of Commissioners](#)
Subject: RE: [EXTERNAL] SU-22-003
Date: Thursday, August 25, 2022 5:13:00 PM

[@L'Orange, Pete](#)

Fyi
bbg

From: lynne s <yankeelynne@yahoo.com>
Sent: Thursday, August 25, 2022 5:10 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Planning Commission,

As you consider CEMEX's request for a permit for a 15 year mining extension at Dowe Flats mine, it is imperative that you examine the consequences of permit approval from the big picture perspective. Every decision you make should work towards the reduction of local greenhouse gas production and emissions. According to the EPA, CEMEX Lyons ranked #1 in GHG Emitters in Boulder County in 2020 with 357,101 tons of CO₂.

CEMEX is arguing that this permit extension is unrelated to the functioning of the cement plant, but that is falling back on a narrow legal view of this one permit application process, ignoring the fact that excessive additional greenhouse gas emissions are a guaranteed by-product of the proposed continued mining.

Amongst many other reasons, I do not believe this extension would be beneficial for the local, regional, and global communities. We all have to do our part, and this is an opportunity for you to take positive action to try to reverse global climate change.

Also consider your responsibility to work within the guiding principles of the Boulder County Comprehensive Plan (BCCP).

Excerpts from the introduction of the plan state:

"The BCCP reflects Boulder County's tradition of serving as a leader in environmental and land stewardship, along with the county's commitment to **sustainability, climate resilience** and equity."

... "The Plan's Guiding Principles, adopted in 2012, expand upon this longstanding vision to recognize the critical importance of factoring social equity into decision making, and weighing the interconnections among social, **environmental** and economic factors in all decisions."

The plan's definition of Climate Action is:

"Climate Action: Achieve rapid and deep greenhouse gas emission reductions and strengthen resilience and adaptive capacity to climate-induced impacts."

The BCCP philosophy includes: "Preservation of our environmental and natural resources should be a high priority in making land use decisions."

We all know clean air and the reduction of greenhouse gas production is a critical component of our environmental health and resources.

With this in mind I ask you to deny the permit request, and thank you for considering the long-term health of our community and the planet.

Sincerely,

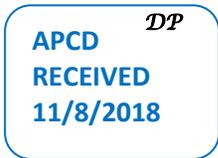
Lynne Sullivan

Longmont resident



Air Pollution Control Division

Field Inspection Report



COUNTY NUMBER: **013**

SOURCE NUMBER: **0003**

DATE OF INSPECTION: **9/11/2018**

DATE REPORT SUBMITTED: **11/8/2018**

COUNTY: **Boulder**

INSPECTOR: **Dave Huber**

COMPANY: **CEMEX Construction Materials South, LLC.**

SITE LOCATION: **Lyons Cement Plant - 5134 Ute Highway, Lyons (I-25 to CO-66 (exit 243) west ~14 miles)**

MAILING ADDRESS: **P.O. Box 529, Lyons, CO, 80540**

CONTACT PERSON: **Scott A Harcus**

TIME: **8 am**

TELEPHONE NO.: **1(303)823-2124; Mobile: 1(614)306-8838**

EMAIL: **scotta.harcus@cemex.com**

PERMIT NO.: **95OPBO082**

SOURCE CLASS: Major SM-80 Syn Minor Minor

INSPECTION TYPE: Full Compliance Evaluation Onsite Evaluation
Partial Compliance Evaluation Offsite Evaluation

Additional Inspection

Records in File? Yes No

HOURS: Travel & Prep: **31** Inspection: **5** Report: **125** Total: **161**

This compliance assessment is based on observations made during the inspection, information provided by the source, Division resources available and a review of Division records. Based on this information, this source is:

COMPLIANCE STATUS: IN COMPLIANCE OUT OF COMPLIANCE

INTRODUCTION

An announced inspection of the Cemex Lyons Cement Plant (CEMEX) was conducted. CEMEX operates a portland cement manufacturing facility in Lyons Colorado, under Operating Permit No. 95OPBO082, AIRS ID 013-0003. Scott Harcus and Maribel Aguilos, with CEMEX, granted access to the facility, provided a tour and supplied records to determine compliance. Cemex is permitted to emit air pollution into the atmosphere in accordance with Operating Permit 95OPBO082, which was first issued February 1, 2000 and most recently renewed March 1, 2017 and last revised November 1, 2017. The revision was a simple administrative change to update of material description language for P009. This inspection report assesses compliance for the time period of 3/1/2017 to 6/30/2018 and only includes the most recently issued permit. The facility is located near Lyons, 12 miles north of Boulder on Highway 66. The area in which the facility is located is classified as attainment/maintenance for particulate matter less than 10 microns (PM₁₀). Under that classification, all SIP-approved requirements for PM₁₀ will continue to apply in order to prevent backsliding under the provisions of Section 110(l) of



the Federal Clean Air Act. This area is classified as nonattainment for ozone and is part of the 8-hr Ozone Control Area as defined in Colorado Regulation No. 7, Section II.A.1.

There are no affected states within 50 miles of the plant. Rocky Mountain National Park, Rawah Wilderness Area and Eagle’s Nest Wilderness Area are Federal Class I designated areas within 100 kilometers of the plant.

This facility manufactures portland cement. Limestone, shale, and other raw materials extracted from the quarry are processed through a primary crusher at the Dowe Flats quarry. The crushed material is transported to the plant on a 2.0 mile belt conveyor system and discharged to a stockpile. The stockpiled material is placed on a belt by means of a front end loader to be processed through a primary crusher, the dryer, and a secondary crusher. The material from the secondary crusher is stored in raw material storage silos. These storage silos contain silica and iron ore and various quarried raw materials. Material from these storage silos is discharged to weigh belts for the formulation of a desired product. The weigh belts discharge to the raw mill. The raw mill mixes and crushes the blended materials and delivers the homogenized material to storage silos. The homogenized material from the storage silos is delivered to the calciner portion of the kiln. Pulverized coal from the coal mill is fired at the bottom of the flash calciner. To improve the combustion characteristics, oxygen from an on-site oxygen generation plant, is injected through a swirl chamber directly below the first stage calciner (the oxygen plant is no longer in use and has been removed). The calcined material from the calciner then enters the rotary kiln, which is located at a slight incline along its horizontal axis. The material travels towards the clinker discharge end where additional pulverized coal is fired for the clinkering process. The clinker is discharged from the kiln onto the clinker cooler. The clinker is cooled by large amounts of air that is forced upwards through the clinker bed by undergrate fans. A large percentage of the cooling air is recovered for use as primary air in the kiln combustion process. The cooled clinker is then moved to internal storage in an A-Frame building, or outside storage stockpiles. The stored clinker is the raw material for the finish mill. In the finish mill the clinker is combined with gypsum and ground to a fine material, passed through coolers and stored in the product silos. The material in the product silos can be loaded for bulk transport, or sent to a packaging system. From an over-all perspective, the manufacturing process may be viewed as two segments -- clinker production and cement production. The clinker storage allows the two processes to operate at different production rates. During periods of low demand for cement, clinker is accumulated. If cement is in high demand, the clinker production can be supplemented by purchase of clinker from other sources. The overall result is the clinker production can operate at a rather steady rate, while the cement production can operate in response to the current or projected demands.

POINT AIRS ID/PERMIT NUMBERS

Operating Permit Number: 95OPBO082

013-0003

Process (Permit Section)	Plant ID	AIRS ID	Description	Pollution Control Device	Constructio n Permit

Process (Permit Section)	Plant ID	AIRS ID	Description	Pollution Control Device	Construction Permit
Dowe Flats and Lyons Quarry – Fugitive Emission Sources (Section II.1)	P017	017	Blasting (combustion byproduct emissions)		Grandfathered
		025	(Particulate Emissions Only) Drilling , Blasting, Truck Loading/Unloading, Haul Roads (Dowe Flats), Scraper Activities, Grading, Bulldozing, Wind erosion of stockpiles and exposed areas	PM Emission Control Plan	93BO1414F
		026	S056 through S064 – Conveyor	Baghouse (8 total)	94BO593
027	S055 - Primary Crusher (Quarry)	Baghouse			
General Fugitive Emissions Requirements (Section II.14)	P018	028	Process Fugitives (Lyons Cement Plant) Not Subject to Emission Limitations Includes wind erosion of stock piles and various transfers not vented through a stack (e.g. belt and screw conveyor transfers)		Grandfathered
		019	Haul Roads (Lyons Cement Plant/Quarry and Dowe Flats Quarry) Not Subject to Emission Limitations Hauling of purchased limestone, iron, gypsum and silica and operation of water application system		Grandfathered
Raw Material Storage and Handling at Plant Site (Section II.3)	P000	024	Discharge of Primary-Crushed Material onto Open Stockpile S009 - Front End Loader Activity	PM Emission Control Plan	98BO0292
Primary	P001	001	S002 - Primary Crushing (Plant)	Baghouses	P-10,225*

Process (Permit Section)	Plant ID	AIRS ID	Description	Pollution Control Device	Construction Permit
Crusher (Plant) (Section II.4)			S004 - Surge Silo		P-10,535*
Raw Materials Drying (Section II.5)	P002	002	S005 - Raw Materials Dryer	Baghouse	12BO444-1
Secondary Crushing (Section II.6)	P003	003	Secondary Crushing and Screening (vents to S001 – Waste Dust Silo)	Baghouse (2 total)	Grandfathered
			S003 - #4 Belt Transfer		
					P-10,298*
Raw Material Storage Silos (Section II.7)	P004	004	S006 to S008 - Raw Material Storage Silos	Baghouse (3 total)	P-10,284*
Raw Material Grinding (Section II.8)	P005	005	S012 - Raw Mill Feeders	Baghouse (4 total)	Grandfathered
			S013 - Iron/Silica Silo		
			S010 - Raw Material Grinding		Grandfathered
			S011 –Raw Mill Auxiliary Dust Collector		
Homogenizing & Blending (Section II.9)	P006	006	S014 - Homogenizing Silo	Baghouse (2 total)	Grandfathered
			S015 - Kiln Feed Silo		Grandfathered
Kiln Burning (Section II.10)	P007	007	S016 - Precalciner Kiln	Baghouses (3) – Main, Hart and Alkali Bypass Selective Non-Catalytic Reduction (SNCR) System Activated Carbon and Lime Injection Systems	12BO444-2
Clinker Cooling and	P008	008	S017 – Clinker Drag Chains (1 baghouse)	Baghouse	12BO444-2

Process (Permit Section)	Plant ID	AIRS ID	Description	Pollution Control Device	Construction Permit
Transfer to Storage for Finish Mill (Section II.10)			S018 - Clinker Cooler (2 baghouses, 1 stack)	(5 total)	
			S023 – 529-25 Drag Conveyor (1 baghouse)		
			S024B – Outside Clinker Drop Hood (1 baghouse, vented to S018 stack through 525-8/9)		
Clinker and Gypsum/Additive Silos and Weigh Feeders (Storage and Transfer to Finish Mill) (Section II.11)	P009	009	S021 – Top of A Frame (Belt 529-30 to 529-63) ¹	Baghouse (14 total)	98BO0259
			S026, S027, S029, S030, S031 – Weigh Feeders 1, 2, 4, 5 and 6 ¹		
			S024 - #2 Clinker Silo		
			S032 – Bottom of A Frame Transfer ¹		
			S033 Gypsum/Limestone from 529-31 belt to Silos		
			S035 – Discharge of 629-3 Belt		
			S039 to S041 –Finish Mill Weigh Feeders ²		
			S038 - Surge Bin ²		
			¹ stacks vent inside A-Frame		
			² stacks vent inside mill building.		
Sheltered (A-Frame) Clinker Storage and Reclaim (Section II.11)	P010	010	S034 - #6 Reclaim Feeder and A-Frame Building	Baghouse	98BO0259
			S051 – Top of A Frame – Transfer from 529-29 belt to 529-30 belt		
Outdoor Clinker Piles and Handling (Section II.11)	P015	015	Outdoor Hot Clinker Pile	PM Emission Control Plan	98BO0259

Process (Permit Section)	Plant ID	AIRS ID	Description	Pollution Control Device	Construction Permit
Cement Finish Mill and Auxiliaries (Section II.11)	P011	011	S036 - Finish Mill	Baghouse (2 total)	98BO0259
			S037 – Finish Mill Auxiliary Dust Collector		
			Grinding and Limestone Handling		
	P012	031	S065 – Finish Mill Separator	Baghouses (2 total)	98BO0259
		S069 - Clinker Dust to Finish Mill (SEP project) – vents inside mill room	Baghouse		
Cement Silos/ Packhouse/ Loadout (Section II.11)	P013	013	S043 – Cement Storage Silos A10 and A13 S044 – Cement Storage Silo A7 S045 – Cement Finish Silo A2 S046 – Packhouses West and East (Loading Spouts, Baghouses 825-4 and 825-5 vent to a common stack) S048 – Recirculating System	Baghouse (8 Total)	98BO0259
Material Handling System – Load-In & Load-Out (Section II.12)	P014	014	S020 - Coal Silo/Elevator	Baghouse	C-10,316*, 10BO718*
			S019 – Material Unloading Hopper (Railcar)		
			S025 – Material Unloading Hopper and Spout (Trucks) Outdoor Coal Storage		
Cold Cleaner Solvent Vats (Section II.18)		APEN Exempt ₁	Cold Cleaner Solvent Vats	Work Practice Requirements	Permit Exempt

Process (Permit Section)	Plant ID	AIRS ID	Description		Pollution Control Device	Construction Permit
Handling and Processing of CKD and Raw Material Waste Dust (Section II.13)	P007A	049	Pneumatic Conveyance of Materials	S066 Cement Silo A5 S067 - CKD Loading Spout (vents indoors) S001 - Waste Dust Silo S022 - Kiln Return Dust Silo	Baghouses	98BO0315
			041 - Pug Mill Mixing, Pelletization and Truck Loading of CKD and Benefication Dust	041 - Pug Mill/Truck Loading	Baghouses	
			042 - Haulage and Disposal of Pelletized CKD and Benefication Dust	042 - Truck Hauling and Disposal at Lyons Quarry	PM Emission Control Measures	
Gasoline Storage Tank (Section II.15)		APEN Exempt ₁	Gasoline Storage Tank (3,000 gallons, aboveground)		Submerged Filling and Vapor Recovery	Permit Exempt
Cement Rail Car Unloading System (Section II.25)	P050	050	Cement Rail Car Unloading and Handling System – Hopper, screw conveyor and pneumatic transfer system		Baghouse BH-825-8	05BO0703

Process (Permit Section)	Plant ID	AIRS ID	Description	Pollution Control Device	Construction Permit
Kiln Control Device Support Equipment (Section II.26)	LIS-1	055	BCSA Inc, Silotop R03, Lime Storage Silo, S/N unknown.	Baghouse	
	LIS-2	054	BCSA Inc, Silotop R03, Lime Weigh Hopper, S/N unknown	Baghouse	
Stationary Internal Combustion Engines (Section II.27)	A-Pit Pump	053	John Deere, Model No. 4.5L, diesel fuel-fired engine driving a water pump. This engine is rated at 90 hp and 4.7 gal/hr		
	Dowe Flats 6" Pump	APEN Exempt ¹	John Deere, Model No. T0404045DF150, S/N unknown, diesel fuel-fired engine driving a water pump. This engine is rated at 80 hp and 0.6 MMBtu/hr (4.2 gal/hr).		
	Dowe Flats 8" Pump	APEN Exempt ¹	John Deere, Model No. T0404045DF150, S/N T04045T532755, diesel fuel-fired engine driving a water pump. This engine is rated at 84 hp and 0.6 MMBtu/hr (4.4 gal/hr).		
	Kiln Donkey Engine	APEN Exempt ¹	Natural gas-fired engine used to provide kiln rotation during power failure. No make, model or serial no. available for this engine. This engine is rated at ~ 230 hp.		
	Flood Response Engine	APEN Exempt ¹	Cummins Model No. 4BTAA3.3G7, S/N 75021552, diesel fuel-fired engine providing emergency power to flood response pumps. This engine is rated at 99 hp (73.8 kw) and 4.2 gal/hr.		

*Permit issued, but permit includes no applicable requirements

¹APEN exempt as long as actual, uncontrolled emissions are below the APEN de minimis level (1 tpy of NOX or VOC, 2 tpy of other criteria pollutants).

SOURCE COMPLIANCE HISTORY

1. A 2000 stack test identified the source failed to operate the raw material dryer in compliance with the PM limit in the Operating Permit. Resolved with the issuance of a Compliance Advisory and an Order on Consent dated 10/02/00, civil penalty of \$1,400.00 and a SEP of \$8,400.00 to install video camera for control room staff to monitor plant conditions.

2. Violations identified during 2001 inspection include: failure to properly calculate and report emissions from a gasoline storage tank, failure to conduct Method 9 opacity observation as required, Failure to notify the Division of excessive opacity from an upset as required, and failure to submit annual compliance certifications which include statements of violations of conditions 1.3, 1.4, 3.2, 3.5, 3.5.7, 11.3, 11.6, 13.2, and 13.5. Resolved with a Compliance Order on Consent dated 07/25/02, SEP \$6,000.00.

3. Several violations were identified during 2003 inspections which were resolved with a Compliance Order on Consent dated 02/20/04, a civil penalty of \$37,460.00, pay at least \$149,840.00 towards a Supplemental Environmental Project, and pay \$94,839.00 for the economic benefit associated with not operating the control equipment required to control emissions from the A-Frame building.

4. Seven violations were identified during 2004 inspections and were resolved with a commitment to immediately implement procedures to control fugitive emissions, and install a new conditioning spray tower before the fall of 2005.

5. Numerous violations were identified during several 2005 and 2006 inspections and were addressed in Notice of Violations dated 9/23/05 and 6/8/06. Additional issues in 2006 were addressed in letters issued for Denial of Upset Reports dated 5/1/06 and 7/31/06 and a request for revision of Startup, Shutdown, and Malfunction Plan. All of these violations were resolved with a Compliance Order on Consent signed 12/22/06 and a penalty of \$1,500,000.00 to be paid as follows: \$300,000.00 cash penalty, \$50,000.00 non-compliance cash penalty, \$200,000.00 to operate a PM monitor for at least one year, \$450,000.00 donated to nonprofit organization for environmental projects, at least \$500,000.00 towards an Supplemental Environmental Project, and a moratorium on using tire-derived-fuels until at least January 1, 2008.

6. Violations identified in 2007 and 2008 inspections have been addressed in a Notice of Violation dated June 17, 2008. The case was resolved with a Compliance Order on Consent signed 2/11/09 with a total penalty assessed of \$528,325. Cemex agreed to pay a sum of \$105,665 in administrative penalties and perform Supplemental Environmental Projects (SEPs) totaling \$422,660. The SEPs included \$300,000 donated to the Boulder County Plug-In Hybrid and Vehicle to Grid Implementation Project and \$122,660 donated to the Governor's Energy Office (GEO) earmarked for energy efficiency and renewable energy projects for Lyons public schools.

7. A Warning Letter was issued for the 2011 inspection related to a stack test conducted on April 21, 2011 where Cemex exceeded the grain loading limit for Baghouse 625-14 (P009) found in the table in Condition 11.3. The test results indicated an emission rate of 0.038 gr/dscf in excess of the 0.03 gr/dscf limit found in the table. The baghouse was retested on May 25, 2011 indicating 0.01 gr/dscf emission rate and demonstrated compliance with the grain loading requirements.

8. Cemex was issued a Compliance Advisory (CA) dated August 23, 2013 for Case No. 2013-121. Compliance testing on April 17, 2013 on the Raw Materials Dryer (AIRS 002) demonstrated an emission rate of filterable PM of 22.8 lb/hr and 79.9 tpy, violating the limits of 6.5 lb/hr (Permit 12BO444-1, Condition 3) and 22.8 tpy (Permit 95OPBO082, Condition 5.4). Following the failed test on April 17, 2013, three bags were replaced in the baghouse controlling emissions from AIRS 002 and

compliance testing was conducted again on May 24, 2013. The results of the May 24, 2013 tests were below permitted emission limits for PM. A Compliance Order on Consent was signed April 15, 2014 and an administrative penalty of \$8,400 was paid. Compliance Requirements include requiring Cemex to perform quarterly standard calibration procedures of the dryer dust collector broken bag detector and maintain records for at least two years.

9. The 2017 inspection found the source not in compliance with conditions 10.5, 23.5 and General Permit Conditions (5/22/12 version) condition 22e (Regulation No. 3, Part A, § II.C.2) of Operating Permit 95OPBO082. Enforcement discretion was recommended.

NSPS/NESHAP/MACT APPLICABILITY

NSPS Applicability:

40 CFR part 60 Subpart OOO - Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants;

40 CFR part 60 Subpart F—Standards of Performance for Portland Cement Plants;

40 CFR part 60 Subpart A - General Provisions.

MACT Applicability:

40 CFR Part 63 Subpart LLL—National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry (If you have an affected source subject to this subpart with a different emissions limit or requirement for the same pollutant under another regulation in title 40 of this chapter, once you are in compliance with the most stringent emissions limit or requirement, you are not subject to the less stringent requirement. Until you are in compliance with the more stringent limit, the less stringent limit continues to apply. §63.1356)

40 CFR Part 63 Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines

REPORTS

In the absence of credible evidence and without indications to the contrary, the reports described below were submitted in accordance with the provisions of the Record Keeping and Reporting Requirements/Certification Requirements of the General Permit Conditions.

Title V Semi Annual Monitoring Reports (SAR)

Period	Due	Received
1/1/2017 – 2/28/2017*	4/1/2017	3/31/2017
1/1/17 – 6/30/17	08/1/2017	7/28/2017
7/1/17 – 12/31/17	2/1/2018	1/22/2018
1/1/18 – 6/30/18	08/1/2018	7/17/2018

In the absence of credible evidence and without indications to the contrary, deviations were reported promptly as described in the Prompt Deviation Reporting General Permit Condition.

***Permit expired on Feb. 28, 2017; this report submitted for Jan. 1, 2017-Feb. 28, 2017.**

3/31/2017 Report: Deviations reported - CAM Excursions not violations



**1.) Section II, Condition 24.1.1.2a (This is a CAM Excursion not a violation)
Unit P013**

Deviation code: 8 (CAM)

On Jan. 6, 2017, and Jan. 27, 2017, the east loading spout dust collector registered differential pressure reading above 7 inches water. This was due to the cold weather freezing air lines. The differential pressure would lower to below 7 inches water as ambient temperature increased above the freezing level. Follow-up inspection by maintenance crew indicated that tubing lines were broken, and the magnehelic was defective. Maintenance conducted an inspection to assess the root cause of the problem. Tubing lines and the DP monitor were replaced.

**2.) Section II, Condition 24.1.1.2a (This is a CAM Excursion not a violation)
Unit P007A**

Deviation code: 8 (CAM)

On Feb. 24, 2017 the bulk loader reported that differential pressure reading for A5 dust collector was at 7 inches water. Maintenance conducted an inspection to assess the root cause of the problem. Tubing links were replaced and cleaned out, and the air pressure was adjusted.

**3.) Section II, Condition 24.1.1.2a (This is a CAM Excursion not a violation)
Unit P013**

Deviation code: 8 (CAM)

On Feb. 9, 2017, the differential pressure reading at 825-1 dust collector for A13 cement silo was at 10 inches water at about 7:50 a.m. Maintenance conducted an inspection to assess the root cause of the problem but found none with DP returned to within operating level. Weekly preventative maintenance inspections continued, as required by the O&M plan.

7/28/2017 Report: Deviations reported

1.) Section II, Condition 23.2.1.3

Unit: P005

Start/stop: March 13, 2017

Deviation codes: 6, 8 (record, CAM respectively)

Noted during normal operation

The differential pressure reading at the Raw Mill Feeder (325-3) Dust Collector was missed when the equipment came back on after 13:50 on March 13, 2017. Production department personnel tasked to perform daily Title V compliance monitoring were retrained on changes in permit requirements that took effect on March 1, 2017. The SOP was updated, requiring the night shift supervisor to check whether or not relevant pieces of equipment that were reported as not operating during the day shift remained down during the night shift.

2.) Section II, Condition 11.6.1.10

Unit: P015

Start/stop: March 15, 2017, 8 a.m.-10 a.m.

Deviation codes: 9 (other)

Noted during normal operation

The sweeper was down for two hours because the operator assigned for the day needed medical attention, and the substitute operator was tied up cleaning the spray tower until 10 a.m. Water truck operations, however, generally covered areas around P009, P010, P011, P012, P013 and P015. Non-availability of an operator is not a valid exemption from the sweeping requirement. Production department supervisors and truck operators were reminded to ensure that the water truck keeps wet the paved areas normally covered by the sweeper when the sweeper is not operating.

1/22/2018 Report: Deviations reported

1.) Section II, Condition 22.9.3

Unit: P007

Start/stop: July 21, 2017, for ~49 minutes

Deviation code: 2 (process)

Noted during normal operation

The production operator failed to start injecting carbon and lime at 300 degrees F on baghouse inlet temperature. The DAS started alarming at 295 degrees, as programmed. Temperatures are calculated on a five-minute rolling average. Lime and carbon injection systems were immediately turned on at ~350 degrees F. Emissions limits for mercury and HCl/SO₂ were not exceeded. Interlocks were put in place so that the system will now alarm and not allow the kiln to exceed 290 degrees F without turning on the LIS and ACI. A revision to the O&M Plan was submitted to the division, requesting removal of the temperature condition (It is unlikely to satisfy the regulation).

2.) Section II, Condition 23.2.1.1 (This is a CAM Excursion not a violation)

Unit: P010, Stack No. S051

Start/stop: Aug. 20, 2017, 9:02 a.m.-9:06 a.m.

Deviation code: 8 (CAM)

Noted during normal operation

Visible emissions were observed from the fan stack of Dust Collector 525-17 during the routine daily inspection. Production personnel took 525-17 down as an initial corrective action until maintenance could assess and fix the problem.

3.) Section II, Condition 10.9.2

Unit: P007

Start/stop: Aug. 25, 2017, 1:36 p.m.-1:41 p.m.

Deviation code: 1 (standard)

Noted as a malfunction

A six-minute kiln opacity average was recorded at 41.23 percent, exceeding the limit during a startup/shutdown operation. The kiln malfunction resulted in a high vacuum pressure that was unintentionally created within the baghouse. Plant air pressure momentarily went down due to a PLC rack fault that shut down automation

equipment across the plant, including the pneumatically activated dampers to the baghouse. As a result, the dampers inadvertently closed at the inlet to the baghouse, which ultimately resulted in high opacity spikes at the main kiln as elevated particulate matter was vacuumed from the baghouse by the high pressure developed at the baghouse. The power was restored to the PLC, which then restored plant air and pneumatic activated air damper to the baghouse. Supervisors were reminded to verify and ensure that adequate training is provided. This is considered to be a valid malfunction because an array overrun caused the PLC fault.

4.) Section II, Condition 10.9.1

Unit: P007

Start/stop: Sept. 13, 2017, 1:44 p.m.-1:48 p.m.

Deviation code: 1 (standard)

Noted as a malfunction

A six-minute average opacity of 23 percent registered at the opacity monitor for the kiln stack following maintenance of one of the bags at Compartment No. 73. Further inspection of the compartment indicated that a port was dislodged, allowing dust to bypass the bags. Compartment No. 73 was immediately taken offline for the second time, and the port was properly secured. This lowered the opacity readings to compliance level. Proper baghouse operations and work checks were reviewed with the maintenance, production and environmental departments. This is not considered to be a valid malfunction because operator error improperly secured the port resulting in the opacity exceedance.

5.) Section II, Condition 23.2.1.3 (This is a CAM Excursion not a violation)

UNIT IDENTIFICATION: P002, Raw Material Dryer Baghouse 225-11, Stack# SOOS; P005, Raw Mill Feeder Dust Collector 325-3, Stack# S012; P007A, CKD Silo AS Dust Collector 525-28, Stack # S066; and PO13 Silos A10 & A13 Dust Collector 825-1, Stack # S043, A7 Dust Collector 825-2, Stack# S044

Explanation of Period of Deviation	Duration/Date
Missed DP reading at 825-2 DC	11/13/2017
Missed DP reading at 225-11 DC	11/21/2017
Missed DP reading at 525-28 DC	11/21/2017
Missed DP reading at 825-1 DC	11/22/2017
Missed DP reading at 325-3 DC	11/22/2017

Deviation code: 8 (CAM)

Pressure Differential Reading on the day a 6-minute visible emissions observation could not be made when source did not operate for more than four hours. Shift supervisors were reminded to review the 6-minute visible emissions observation forms in order to ensure that CAM sources that did not operate during the earlier shift are monitored for DP readings when such sources are turned back on.

6.) Section II, Condition 26, Maintenance

There are no existing maintenance records on the following engines for 2017, and are therefore assumed to have had no maintenance performed on them:

- 1.A-Pit Pump - Diesel fuel-fired engine, rated at 90 hp
 - 2.Flood Engine - Diesel fuel-fired engine, rated at 99 hp (Emergency Engine)
- The abovementioned engines are rarely operated, with the A-Pit pump operated less than 200 hours a year and the flood engine operated less than 10 hours a year.

Deviation code: 5, 6

Immediately scheduled proper maintenance and established reporting protocol. An automated notification will be generated going forward that will alert mechanic to conduct maintenance or take alternative oil samples for analysis.

7.)Section II, Condition 22.33.2.1:

Six-minute visible emissions observation (Method 22) for a raw mill or finish mill.
UNIT IDENTIFICATION: P005 - Raw Mill Dust Collector 325-1 (Stack #SO10); Raw Mill Auxiliary Dust Collector 325-2 (Stack# S011); PO11 - Finish Mill Dust Collector 725-2 (Stack# S036), Finish Mill Auxiliary Dust Collector 725-3 (Stack# S037); and PO1 2 Finish Mill Separator Dust Collectors 725- 10 & 725-11 (Stack # S065)

Explanation of Period of Deviation	Duration/Date (s)
Missed Method 22 on 325-1 DC	11/21/2017 ;
Missed Method 22 on 325-2 DC	11/21/2017; 11/22/2017
Missed Method 22 on 725-2 DC	11/22/2017; 11/24/2017
Missed Method 22 on 725-3 DC	11/22/2017; 11/24/2017
Missed Method 22 on 725-10, 11 DCs	11/22/2017; 11/24/2017

Deviation code: 3

Six-minute Method 22 observations were not performed on the Raw Mill Dust Collector 325-1 when sources operated later in the day, after initial attempts to perform visible emission observation early in the day shift indicated such sources were down. Shift supervisors were reminded to review the 6-minute visible emissions observation forms in order to ensure that sources requiring daily Method 22 are not missed. Copies of the revised 6-minute Method 22 Observation Forms, with specific instructions to perform Method 22 event during nighttime, were redistributed to concerned personnel. Retraining of concerned personnel were also conducted.

7/17/2018 Report: Deviations reported

1.) Section II, Condition 22.33.2.1

Unit: P011

Start/stop: Jan. 23, 2018, 10 p.m.-11:59 p.m.

Noted during normal operation

Deviation code: 3 (monitor)

The six-minute Method 22 observation was not performed on the finish mill dust collector 725-2 and finish mill auxiliary dust collector 725-3 when the finish mill operated at approximately 10 p.m. Shift supervisors were reminded to review the six-minute visible emissions observation forms in order to ensure that sources requiring



daily Method 22s are not missed. Copies of the revised six-minute Method 22 observation forms, with specific instructions to perform Method 22 observations at night, were redistributed to concerned personnel. Retraining of personnel was also conducted.

2.) Section II, Conditions 11.6.1.2a and 14.4.1.2a

Unit: P015 and P018

Start/stop: Jan. 7, 2018, 11:23 a.m.-6 p.m.; Jan. 8, 2018, 6:40 a.m.-6 p.m.; Jan. 9, 2018, 6 a.m.-12 p.m.

Noted during normal operation

Deviation code: 9 (other)

The water truck was operated for less than 12 hours even as the crushing/drying (O2) system operated. The kiln was down for more than 24 hours. Shift supervisors were reminded that "non-availability" of the water truck is not among the exceptions for the requirement to run it for 12 hours, and the water truck still needs to run if the O2 system is operating, even if the kiln has been down for more than 24 hours.

Title V Annual Compliance Certifications (ACC)

Period	Due	Received
1/1/2017 – 2/28/2017*	4/1/2017	3/31/2017
3/1/2017 – 12/31/2017*	2/1/2018	1/22/2018

In the absence of credible evidence and without indications to the contrary, deviations were reported promptly as described in the Prompt Deviation Reporting General Permit Condition.

*Permit expired on Feb. 28, 2017; this report submitted for Jan. 1, 2017-Feb. 28, 2017.

3/31/2017 Report: Deviations noted during the previous and current reporting periods.

1/22/2018 Report: Deviations noted during the previous and current reporting periods.

MACT/NSPS Reports

Subpart	Period	Due	Received
NSPS Subpart OOO	1/1/2017 – 6/30/2017	8/1/2017	7/20/2017
NSPS Subpart OOO	7/1/2017 – 12/31/2017	2/1/2018	11/5/2018*
NSPS Subpart OOO	1/1/2018 – 6/30/2018	8/1/2018	11/5/2018*

*The source interpreted the regulation to require reports only when there was a change that occurred. Although the regulation does not specifically state that a report must be submitted semiannually, the Division has requested that the source submit the reports semiannually to report any changes or report that there were no changes. The source stated they will submit the semiannual reports moving forward. For the purposes of this inspection the source is considered in compliance.

Report no increases in capacity.

MACT LLL reports submitted through Central Data Exchange

<u>Facility</u>	<u>Report</u>	<u>Certification Date</u>	<u>Comments</u>
CEMEX CONSTRUCTION MATERIALS SOUTH LLC	63.1354(b)(9) Summary Report	2018-08-29 19:12:11.466	40 CFR 63.1354(b)(9), Subpart Subpart LLL Summary Report, Kiln DF Temp Data, CMS Performance Summary, Kiln CPMS Exceedance Descriptions & Corrective Actions
CEMEX CONSTRUCTION MATERIALS SOUTH LLC	63.1349(d)(2) Relative Accuracy Test Audit Data and Performance Test Data	2018-04-17 16:37:34.958	Relative Accuracy Test Audit Report & Testing Data
CEMEX CONSTRUCTION MATERIALS SOUTH LLC	63.1354(b)(9) Summary Report	2018-03-01 20:31:41.195	40 CFR 63.1354(b)(9), Subpart Subpart LLL Summary Report, Kiln DF Temp Data, CMS Performance Summary, Kiln CPMS Exceedance Descriptions & Corrective Actions
CEMEX CONSTRUCTION MATERIALS SOUTH LLC	63.1349(d)(2) Relative Accuracy Test Audit Data and Performance Test Data	2017-10-12 10:22:38.835	Relative Accuracy Test Audit Report & Testing Data

<u>Facility</u>	<u>Report</u>	<u>Certification Date</u>	<u>Comments</u>
CEMEX CONSTRUCTION MATERIALS SOUTH LLC	63.1354(b)(9) Summary Report	2017-08-28 19:42:57.213	40 CFR 63.1354(b)(9), Subpart Subpart LLL Summary Report, Kiln DF Temp Data, CMS Performance Summary, Kiln CPMS Exceedance Descriptions & Corrective Actions
CEMEX CONSTRUCTION MATERIALS SOUTH LLC	63.1349(d)(2) Relative Accuracy Test Audit Data and Performance Test Data	2017-04-11 16:43:06.516	Relative Accuracy Test Audit Report & Testing Data
CEMEX CONSTRUCTION MATERIALS SOUTH LLC	63.1349(d)(2) Relative Accuracy Test Audit Data and Performance Test Data	2017-04-11 16:42:33.035	Relative Accuracy Test Audit Report & Testing Data

Excess Emissions and Monitoring System Summary Reports (“EER”)

007 Rotary Kiln				
Year	Period	Due	Received	Notes
2017	1	5/1/2017	4/25/2017	No excess emissions or excessive monitor downtime reported
2017	2	8/1/2017	7/27/2017	No excess emissions or excessive monitor downtime reported
2017	3	11/1/2017	10/26/2017	12 minutes of excess opacity reported (See malfunctions). No excessive monitor downtime reported
2017	4	2/1/2018	1/17/2018	No excess emissions or excessive monitor downtime reported
2018	1	5/1/2018	4/27/2018	No excess emissions or excessive

007 Rotary Kiln				
Year	Period	Due	Received	Notes
				monitor downtime reported
2018	2	8/1/2018	7/19/2018	No excess emissions or excessive monitor downtime reported

008 Clinker Cooler				
Year	Period	Due	Received	Notes
2017	1	5/1/2017	4/25/2017	No excess emissions or excessive monitor downtime reported
2017	2	8/1/2017	7/27/2017	No excess emissions or excessive monitor downtime reported
2017	3	11/1/2017	10/26/2017	No excess emissions or excessive monitor downtime reported
2017	4	2/1/2018	1/17/2018	No excess emissions or excessive monitor downtime reported
2018	1	5/1/2018	4/27/2018	No excess emissions or excessive monitor downtime reported
2018	2	8/1/2018	7/19/2018	No excess emissions or excessive monitor downtime reported

APENS

APEN Received dates are in the table below.

AIRS ID	APEN Received
001	3/30/2018
002	3/30/2018
003	3/30/2018
004	3/30/2018
005	3/30/2018
006	3/30/2018
007	3/30/2018
008	3/30/2018
009	3/30/2018
010	7/14/2015
011	7/14/2015
013	7/14/2015
014	4/28/2017
015	3/30/2018
017	8/25/2016
019	3/30/2018
024	3/30/2018
025	7/24/2015
026	7/14/2015

027	3/30/2018
028	7/14/2015
031	7/14/2015
049	3/30/2018
050	4/28/2017
052	3/30/2018
053	8/1/2018
054	4/16/2015
055	4/16/2015

In the absence of credible evidence and without indications to the contrary, APENs were submitted in accordance with the provisions of the Record Keeping and Reporting Requirements of the General Permit Conditions.

MALFUNCTION REPORT REVIEW

1.) 7/17/2017 07:10 – 07:21 (007 Rotary Kiln)

Call 7/17/2017 16:01; Report 8/11/2017

On July 17, 2017, Cemex experienced a malfunction when there was a release of a dust plume from 7:10 a.m.-7:16 a.m. The kiln feed and fuel were discontinued immediately as the kiln was placed in shutdown mode. The dust release occurred due to a buildup of material in the cooling tower, where it fell into a downstream duct, creating a stoppage of airflow. The blockage was a direct cause of the malfunction and presented a positive pressure in the kiln. This inadvertently forced out the fugitive dust plume from the process.

No CEMS exceedances were recorded during this time period.

There were 11 minutes of fugitive emissions during this event. It was initially reported as a six-minute event. Following further investigation, however, it was determined that the malfunction occurred from 7:10 a.m.-7:21 a.m. The release occurred due to a blockage of draft air flow at the base of the spray tower. Spray tower build up and gradual material sloughing is typical within the Lyons plant process, however, in this instance, an unusually large amount of material unexpectedly broke loose, stopping air flow abruptly. The sudden stoppage of air flow created positive pressure accumulation in the remaining upstream process, causing a release of fugitive emissions at the seams of the kiln discharge. When the spray tower blockage occurred, appropriate action was taken when the control room operator initiated the stop functions designed to cut the fuel, feed and air flowing into the system. The result was a short and temporary purge of fugitive emissions from the seams of the kiln before all fuel was shut off. To prevent future recurrence, the Lyons plant automation engineer has added a PLC control interlock as corrective action. The interlock will automatically and immediately stop all feed and fuel from entering the process during a similar positive-pressure event.

This is not considered to be a malfunction because no CEMS exceedances were recorded and no deviation occurred.

2.) 8/14/2017 17:03 – 17:30 (007 Rotary Kiln)

Call 8/15/2017 11:14; Report 9/12/2017

On Aug. 14, 2017, from 5:03 p.m.-5:30 p.m., A fire developed in the coal delivery system at the kiln. The unit feeding the fuel to the kiln took on heat and started to burn. When personnel noticed the fire,

the Longmont and Lyons fire departments were notified. The fire departments dispatched aid to extinguish the fire. During the fire, white smoke was released from the kiln and migrated out of the building. The kiln did have to be shut down. The scheduled gas and flow RATAs for Aug. 15, 2017, had to be postponed.

The fire lasted about 27 minutes. As a precautionary measure, this incident was promptly reported. This event occurred as the kiln coal delivery system experienced a negative backdraft, thus taking in hot gases and burning a rubber coal feed duct. The resulting fire created smoke inside the building with a residual amount of fugitive smoke exiting the building. Following further investigation, CEMEX has determined that this event does not qualify as a malfunction due to the nature of this incident. The fire was contained throughout and produced minimal fugitive dust emissions that migrated outdoors from the corners and seams of the building. This controlled fire event occurred on the kiln floor level of an enclosed building, and CEMEX did not record any compliance exceedances during this time. All possible steps were immediately taken in order to extinguish the fire and contain resulting fugitive dust. These steps included keeping doors and windows closed and immediately dialing 911 to reach the fire departments and get them on site to aid in fire suppression and dust mitigation by way of water hoses. While the kiln coal delivery system remains shut down, the source has a new design to implement an isolation valve at the coal inlet to the kiln. The valve will provide a fail-safe solution as to eliminate the risk of any hot gases or sparks entering the coal feed moving forward.

This is not considered to be a malfunction because no compliance exceedances were recorded and no deviation occurred.

3.)8/25/2017 13:36 – 13:41 (007 Rotary Kiln)

Call 8/28/2017 08:08; Report 9/21/2017

On Aug. 25, 2017, from 13:36-13:41, CEMEX Lyons experienced a malfunction. The source was in shutdown mode. The opacity limit in shutdown mode is 30 percent. The tag value for a six-minute duration was 41.2 percent.

The facility had one six-minute average exceedance. This opacity exceedance occurred due to high vacuum pressure unintentionally created within the baghouse. Plant air pressure momentarily went down due to an unforeseen PLC rack fault, which shut down automation equipment across the plant. One important piece of automated equipment affected by this fault is the pneumatically actuated dampers to the baghouse. As a result, the dampers inadvertently closed at the inlet to the baghouse during this time. As the inner duct fan continued to exhaust/pull from the baghouse, high pressure developed and elevated particulate matter (PM) was vacuumed from the baghouse, causing temporary spikes in main kiln opacity. The power was restored to the PLC, which then restored plant air and pneumatic activated air damper to the baghouse.

This is considered to be a valid malfunction because an array overrun caused the PLC fault.

4.) 9/13/2017 13:44 – 13:48 (007 Rotary Kiln)

Call 9/14/2017 11:18 Report 10/4/2017

On Sept. 13, 2017, from 13:44-13:48, CEMEX experienced a malfunction that led to an opacity deviation. Kiln baghouse compartment No. 73 was isolated and removed from service in order to perform maintenance on one of the bags. When maintenance was complete, compartment No. 73 was returned to service. Upon returning to service, the main kiln stack opacity monitor registered opacity spikes due to an uncovered port within the compartment. The control room noted the high opacity readings and removed compartment 73 from service.

A six-minute average opacity of 23 percent registered at the opacity monitor for the kiln stack following maintenance of one of the bags at Compartment No. 73. Further inspection of the compartment indicated that a port was dislodged, allowing dust to bypass the bags. Compartment No. 73 was immediately taken offline for the second time, and the port was properly secured. This lowered the opacity readings to compliance level. Proper baghouse operations and work checks were reviewed with the maintenance, production and environmental departments.

This is not considered to be a valid malfunction because operator error improperly secured the port resulting in the opacity exceedance.

5.) 11/16/2017 14:05 – 14:15 (002 Raw Material Dryer)

Call 11/17/2017 11:45 Report 11/22/2017

On Nov. 16, 2017, at 2:05 p.m., CEMEX Lyons experienced a malfunction event that led to a fugitive dust release from the raw material dryer system. The electrical room had a fault, and the system tripped, causing the dryer baghouse to be temporarily de-energized. When the dryer baghouse fan went down, the system's negative pressure was no longer able to be maintained, and the baghouse dust load spilled onto the belts and ground below. This event also coincided with a dry weather event. The site was experiencing wind gusts of up to 40 mph at the time of the malfunction. Portions of the dust were picked up by the wind, creating a fugitive dust plume. Immediate action was taken to restore power and regain proper operation of the dryer fan. While the fan did not come back into operation until 2:42 p.m., the fugitive dust event lasted only until 2:15 p.m. Cleanup of the remaining dust was immediately executed.

This is not considered to be a malfunction because no compliance exceedances were recorded and no deviation occurred.

COMPLIANCE ASSISTANCE/SOURCE ACTIONS

Several errors and issues were identified in the source's records (e.g. incorrect limits listed, values not summed) that were brought to the attention of the source and corrected.

PERMIT CONDITIONS AND COMPLIANCE STATUS

950PBO082

SECTION I - General Activities and Summary

1. Permitted Activities

- 1.1 This facility manufactures Portland cement. Limestone and other raw materials extracted from the Dowe Flats quarry are processed through a primary crusher at the Dowe Flats quarry. The crushed material is transported to the plant on a 2.0 mile belt conveyor system and discharged to a stockpile. The stockpiled material is placed on a belt by means of a front end loader to be processed through a primary crusher, the dryer, and a secondary crusher. The material from the secondary crusher is stored in raw material storage silos. These storage silos contain silica and iron ore and various quarried raw materials. Material from these storage silos is discharged to weigh belts for the formulation of a desired product. The weigh belts discharge to the raw mill. The raw mill mixes and crushes the blended materials and delivers the homogenized material to storage silos. The homogenized material from the storage silos is delivered to the calciner portion of the kiln. Pulverized coal from the coal mill is fired at the bottom of the flash calciner. The calcined material from the calciner then enters the rotary kiln,

which is located at a slight incline along its horizontal axis. The material travels towards the clinker discharge end where additional pulverized coal is fired for the clinkering process. The clinker is discharged from the kiln into the clinker cooler where it is cooled by air forced through the clinker bed by undergrate fans. A good percentage of this air is recovered for use as primary air in the kiln combustion process. The cooled clinker is then moved to internal storage in an A-Frame building, or outside storage stockpiles. The stored clinker is the raw material for the finish mill. In the finish mill the clinker is combined with gypsum, ground to a fine material and stored in product silos. The material in the product silos can be loaded for bulk transport, or sent to a packaging system. From an over-all perspective, the manufacturing process may be viewed as two segments -- clinker production and cement production. The clinker storage allows the two processes to operate at different production rates. During periods of low demand for cement, clinker is accumulated. If cement is in high demand, the clinker production can be supplemented by purchase of clinker from other sources. The overall result is the clinker production can operate at a rather steady rate, while the cement production can operate in response to the current or projected demands.

The facility is located near Lyons, 12 miles north of Boulder. The area in which the facility is located is classified as attainment/maintenance for particulate matter less than 10 microns (PM₁₀). Under that classification, all SIP-approved requirements for PM₁₀ will continue to apply in order to prevent backsliding under the provisions of Section 110(l) of the Federal Clean Air Act. This area is classified as nonattainment for ozone and is part of the 8-hr Ozone Control Area as defined in Colorado Regulation No. 7, Section II.A.1.

There are no affected states within 50 miles of the plant. Rocky Mountain National Park, Rawah Wilderness Area and Eagle's Nest Wilderness Area are Federal Class I designated areas within 100 kilometers of the plant.

- 1.2 Until such time as this permit expires or is modified or revoked, the permittee is allowed to discharge air pollutants from this facility in accordance with the requirements, limitations, and conditions of this permit.
- 1.3 This Operating Permit incorporates the applicable requirements contained in the underlying construction permits, and does not affect those applicable requirements, except as modified during review of the application or as modified subsequent to permit issuance using the modification procedures found in Regulation No. 3, Part C. These Part C procedures meet the applicable substantive New Source Review requirements of Part B. Any revisions made using the provisions of Regulation No. 3, Part C shall become new applicable requirements for purposes of this operating permit and shall survive reissuance. Any requirements that were designated in the Compliance Order on Consent (COC) signed February 19, 2004 (No. 2002-124) or the Consent Decree entered into the federal District Court for the District of Colorado, No. 09-cv-0019-MSK-MEH as applicable requirements have been incorporated into this operating permit and shall survive reissuance as applicable requirements. This permit incorporates the applicable requirements (except as noted in Section II) from the following Construction Permit(s):

P-10,225, P-10,535, 12BO444(1-2), P-10,298, P-10,284, P-10,266, P-10,292, 98BO0259, 10BO718, 93BO1414F, 94BO593, 98BO0292, 98BO0315 and 05BO0703.

- 1.4 All conditions in this permit are enforceable by the US Environmental Protection Agency, Colorado Air Pollution Control Division (hereinafter Division) and its agents, and citizens unless otherwise specified. **State-only enforceable conditions are:** Section IV - Conditions 3.g (last paragraph), 14 and 18. (as noted).
- 1.5 All information gathered pursuant to the requirements of this permit is subject to the Recordkeeping and Reporting requirements listed under Condition 22 of the General Conditions in Section IV of this permit. Either electronic or hard copy records are acceptable.

No compliance determination is necessary. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

2. Nonattainment Area New Source Review (NANSR) and Prevention of Significant Deterioration (PSD)

- 2.1 This facility is categorized as a NANSR major stationary source (Potential to Emit of VOC and NO_x \geq 100 tons/year). Future modifications at this facility resulting in a significant net emissions increase (see Regulation No. 3, Part D, Sections II.A.27 and 44) for VOC or NO_x or a modification which is major by itself (Potential to Emit \geq 100 tons/year of either VOC or NO_x) may result in the application of the NANSR review requirements.
- 2.2 This source is categorized as a PSD major stationary source (Potential to Emit \geq 100 tons/year) for PM, PM₁₀, SO₂, NO_x and CO. Future modifications at this facility resulting in a significant net emissions increase (see Regulation No. 3, Part D, Sections II.A.27 and 44) or a modification that is major by itself (Potential to Emit \geq 100 tons/yr) for any pollutant listed in Regulation No. 3, Part D, Section II.A.42 for which the area is in attainment or attainment/maintenance may result in the application of the PSD review requirements.
- 2.3 There are no other Operating Permits associated with this facility for purposes of determining applicability of NANSR and PSD review regulations.

No compliance determination is necessary. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

3. Accidental Release Program (112(r))

3.1 Based on the information provided by the applicant, this facility is not subject to the provisions of the Accidental Release Prevention Program (Section 112 (r) of the Clean Air Act).

No compliance determination is necessary. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

4. Summary of Emission Units

4.1 The emissions units regulated by this permit are the following:

Process (Permit Section)	Plant ID	AIRS ID	Description	Pollution Control Device	Construction Permit
Dowe Flats and Lyons Quarry – Fugitive Emission Sources (Section II.1)	P017	017	Blasting (combustion byproduct emissions)		Grandfathered
		025	(Particulate Emissions Only) Drilling , Blasting, Truck Loading/Unloading, Haul Roads (Dowe Flats), Scraper Activities, Grading, Bulldozing, Wind erosion of stockpiles and exposed areas	PM Emission Control Plan	93BO1414F
026		S056 through S064 – Conveyor	Baghouse (8 total)	94BO593	
027		S055 - Primary Crusher (Quarry)	Baghouse		
Dowe Flats Quarry – Point Source Emissions (Section II.2)					

Process (Permit Section)	Plant ID	AIRS ID	Description	Pollution Control Device	Construction Permit
General Fugitive Emissions Requirements (Section II.14)	P018	028	Process Fugitives (Lyons Cement Plant) Not Subject to Emission Limitations Includes wind erosion of stock piles and various transfers not vented through a stack (e.g. belt and screw conveyor transfers)		Grandfathered
		019	Haul Roads (Lyons Cement Plant/Quarry and Dowe Flats Quarry) Not Subject to Emission Limitations Hauling of purchased limestone, iron, gypsum and silica and operation of water application system		Grandfathered
Raw Material Storage and Handling at Plant Site (Section II.3)	P000	024	Discharge of Primary-Crushed Material onto Open Stockpile S009 - Front End Loader Activity	PM Emission Control Plan	98BO0292
Primary Crusher (Plant) (Section II.4)	P001	001	S002 - Primary Crushing (Plant)	Baghouses	P-10,225* P-10,535*
			S004 - Surge Silo		
Raw Materials Drying (Section II.5)	P002	002	S005 - Raw Materials Dryer	Baghouse	12BO444-1
Secondary Crushing (Section II.6)	P003	003	Secondary Crushing and Screening (vents to S001 – Waste Dust Silo)	Baghouse (2 total)	Grandfathered P-10,298*
			S003 - #4 Belt Transfer		
Raw Material Storage Silos (Section II.7)	P004	004	S006 to S008 - Raw Material Storage Silos	Baghouse (3 total)	P-10,284*
Raw Material Grinding (Section II.8)	P005	005	S012 - Raw Mill Feeders	Baghouse (4 total)	Grandfathered
			S013 - Iron/Silica Silo		
			S010 - Raw Material Grinding		
			S011 –Raw Mill Auxiliary Dust Collector		Grandfathered

Process (Permit Section)	Plant ID	AIRS ID	Description	Pollution Control Device	Construction Permit
Homogenizing & Blending (Section II.9)	P006	006	S014 - Homogenizing Silo	Baghouse (2 total)	Grandfathered
			S015 - Kiln Feed Silo		Grandfathered
Kiln Burning (Section II.10)	P007	007	S016 - Precalciner Kiln	Baghouses (3) – Main, Hart and Alkali Bypass Selective Non-Catalytic Reduction (SNCR) System Activated Carbon and Lime Injection Systems	12BO444-2
Clinker Cooling and Transfer to Storage for Finish Mill (Section II.10)	P008	008	S017 – Clinker Drag Chains (1 baghouse)	Baghouse (5 total)	12BO444-2
			S018 - Clinker Cooler (2 baghouses, 1 stack)		
			S023 – 529-25 Drag Conveyor (1 baghouse)		
			S024B – Outside Clinker Drop Hood (1 baghouse, vented to S018 stack through 525-8/9)		
Clinker and Gypsum/Additive Silos and Weigh Feeders (Storage and Transfer to Finish Mill) (Section II.11)	P009	009	S021 – Top of A Frame (Belt 529-30 to 529-63) ¹	Baghouse (14 total)	98BO0259
			S026, S027, S029, S030, S031 – Weigh Feeders 1, 2, 4, 5 and 6 ¹		
			S024 - #2 Clinker Silo		
			S032 – Bottom of A Frame Transfer ¹		
			S033 Gypsum/Limestone from 529-31 belt to Silos		
			S035 – Discharge of 629-3 Belt		
			S039 to S041 –Finish Mill Weigh Feeders ²		

Process (Permit Section)	Plant ID	AIRS ID	Description	Pollution Control Device	Construction Permit
			S038 - Surge Bin ²		
			¹ stacks vent inside A-Frame		
			² stacks vent inside mill building.		
Sheltered (A-Frame) Clinker Storage and Reclaim (Section II.11)	P010	010	S034 - #6 Reclaim Feeder and A-Frame Building	Baghouse	98BO0259
			S051 – Top of A Frame – Transfer from 529-29 belt to 529-30 belt		
Outdoor Clinker Piles and Handling (Section II.11)	P015	015	Outdoor Hot Clinker Pile	PM Emission Control Plan	98BO0259
Cement Finish Mill and Auxiliaries (Section II.11)	P011	011	S036 - Finish Mill	Baghouse (2 total)	98BO0259
			S037 – Finish Mill Auxiliary Dust Collector		
			Grinding and Limestone Handling		
	P012	031	S065 – Finish Mill Separator	Baghouses (2 total)	98BO0259
			S069 - Clinker Dust to Finish Mill (SEP project) – vents inside mill room	Baghouse	
Cement Silos/ Packhouse/ Loadout (Section II.11)	P013	013	S043 – Cement Storage Silos A10 and A13 S044 – Cement Storage Silo A7 S045 – Cement Finish Silo A2 S046 – Packhouses West and East (Loading Spouts, Baghouses 825-4 and 825-5 vent to a common stack) S048 – Recirculating System	Baghouse (8 Total)	98BO0259
Material Handling System – Load-In & Load-Out (Section II.12)	P014	014	S020 - Coal Silo/Elevator		C-10,316*, 10BO718*
			S019 – Material Unloading Hopper (Railcar)		
			S025 – Material Unloading Hopper and Spout (Trucks)	Baghouse	
			Outdoor Coal Storage		

Process (Permit Section)	Plant ID	AIRS ID	Description		Pollution Control Device	Construction Permit
Cold Cleaner Solvent Vats (Section II.18)		APEN Exempt ₁	Cold Cleaner Solvent Vats		Work Practice Requirements	Permit Exempt
Handling and Processing of CKD and Raw Material Waste Dust (Section II.13)	P007A	049	Pneumatic Conveyance of Materials	S066 Cement Silo A5 S067 - CKD Loading Spout (vents indoors) S001 - Waste Dust Silo S022 - Kiln Return Dust Silo	Baghouses	98BO0315
			041 - Pug Mill Mixing, Pelletization and Truck Loading of CKD and Benefication Dust	041 - Pug Mill/Truck Loading	Baghouses	
			042 - Haulage and Disposal of Pelletized CKD and Benefication Dust	042 - Truck Hauling and Disposal at Lyons Quarry	PM Emission Control Measures	
Gasoline Storage Tank (Section II.15)		APEN Exempt ₁	Gasoline Storage Tank (3,000 gallons, aboveground)		Submerged Filling and Vapor Recovery	Permit Exempt
Cement Rail Car Unloading System (Section II.25)	P050	050	Cement Rail Car Unloading and Handling System – Hopper, screw conveyor and pneumatic transfer system		Baghouse BH-825-8	05BO0703
Kiln Control Device Support Equipment (Section II.26)	LIS-1	055	BCSA Inc, Silotop R03, Lime Storage Silo, S/N unknown.		Baghouse	
	LIS-2	054	BCSA Inc, Silotop R03, Lime Weigh Hopper, S/N unknown		Baghouse	

Process (Permit Section)	Plant ID	AIRS ID	Description	Pollution Control Device	Construction Permit
Stationary Internal Combustion Engines (Section II.27)	A-Pit Pump	053	John Deere, Model No. 4.5L, diesel fuel-fired engine driving a water pump. This engine is rated at 90 hp and 4.7 gal/hr		
	Dowe Flats 6" Pump	APEN Exempt ¹	John Deere, Model No. T0404045DF150, S/N unknown, diesel fuel-fired engine driving a water pump. This engine is rated at 80 hp and 0.6 MMBtu/hr (4.2 gal/hr).		
	Dowe Flats 8" Pump	APEN Exempt ¹	John Deere, Model No. T0404045DF150, S/N T04045T532755, diesel fuel-fired engine driving a water pump. This engine is rated at 84 hp and 0.6 MMBtu/hr (4.4 gal/hr).		
	Kiln Donkey Engine	APEN Exempt ¹	Natural gas-fired engine used to provide kiln rotation during power failure. No make, model or serial no. available for this engine. This engine is rated at ~ 230 hp.		
	Flood Response Engine	APEN Exempt ¹	Cummins Model No. 4BTAA3.3G7, S/N 75021552, diesel fuel-fired engine providing emergency power to flood response pumps. This engine is rated at 99 hp (73.8 kw) and 4.2 gal/hr.		

*Permit issued, but permit includes no applicable requirements

¹APEN exempt as long as actual, uncontrolled emissions are below the APEN de minimis level (1 typ of NOX or VOC, 2 typ of other criteria pollutants).

No compliance determination is necessary. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

5. Alternate Operating Scenarios

- 5.1 The renewal permit (issued March 1, 2017) specifies that the dryer (addressed in Section II, Condition 0) will comply with the total organic HAP requirements in 40 CFR Part 63 Subpart LLL (Section II, Condition 22). As an alternative operating scenario, the dryer

may comply with the THC requirements in 40 CFR Part 63 Subpart LLL (Section II, Condition 22) under the following provisions:

- 5.1.1 With the submittal of the performance test notification (required by Condition 5.1.2), the permittee shall submit a notification to the Division of the intent to change from the total organic HAP to THC compliance option for the dryer. The notification shall describe changes to operations, such as installation of controls or changes to the raw material source or quarry location that will ensure the dryer can comply with the THC limit.
 - 5.1.2 The performance test notification (required by §§ 63.7(b) and 63.9(e)) and the site-specific test plan shall be submitted to the Division 60 days prior to conducting the initial performance test for THC.
 - 5.1.3 No later than 60 days after completion of the initial THC performance test, the permittee shall submit the results of the performance test along with the notification of compliance status. The performance test results shall include the information specified in § 63.7(g) and the notification of compliance status shall include the information specified in § 60.9(h).
 - 5.1.4 The permittee shall continue to conduct performance tests to assess compliance with the dryer annual VOC emission limit (in tons/yr) in Section II, Condition 5.7 every thirty months as required by Section II, Condition 5.7.1.
- 5.2 If the permittee exercises the alternative operating scenario in Condition 5.1, they may at any time thereafter revert to the total organic HAP compliance option for the dryer, provided that the requirements in Conditions 5.1.1 through 5.1.4 are met, except that the submittal in Condition 5.1.1 shall note the intent to change from the THC to total organic HAP compliance option.
- 5.3 The renewal permit (issued March 1, 2017) specifies that the kiln (addressed in Section II, Condition 10) will comply with the THC requirements in 40 CFR Part 63 Subpart LLL (Section II, Condition 22). As an alternative operating scenario, the kiln may comply with the total organic HAP requirements in 40 CFR Part 63 Subpart LLL (Section II, Condition 22) under the following provisions:
- 5.3.1 With the submittal of the performance test notification (required by Condition 5.3.2), the permittee shall submit a notification to the Division of the intent to change from the THC to total organic HAP compliance option for the kiln.
 - 5.3.2 The performance test notification (required by §§ 63.7(b) and 63.9(e)) and the site-specific test plan shall be submitted to the Division 60 days prior to conducting the initial performance test for total organic HAPs.
 - 5.3.3 No later than 60 days after completion of the initial total organic HAP performance test, the permittee shall submit the results of the performance test

along with the notification of compliance status. The performance test results shall include the information specified in § 63.7(g) and the notification of compliance status shall include the information specified in § 60.9(h).

- 5.3.4 The permittee shall continue to performance tests annually to assess compliance with the kiln annual VOC emission limit (in tons/yr) in Section II, Condition 10.14 annually as required by Section II, Condition 10.14.1.
- 5.4 If the permittee exercises the alternative operating scenario in Condition 5.3, they may at any time revert to the THC compliance option for the kiln, provided that the requirements in Conditions 5.3.1 through 5.3.4 are met, except that the submittal in Condition 5.3.1 shall note the intent to change from the total organic HAP to THC compliance option.
- 5.5 The facility must, contemporaneously with making a change from one operating scenario to another, maintain records at the facility of the scenario under which it is operating (Colorado Regulation No. 3, Part A, Section IV.A.1). Either electronic or hard copy records are acceptable.

The source complies with the total organic HAP requirements in 40 CFR Part 63 Subpart LLL and does not exercise the alternative operating scenario. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

6. Compliance Assurance Monitoring (CAM)

- 6.1 The following emission points at this facility use a control device to achieve compliance with an emission limitation or standard to which they are subject and have pre-control emissions that exceed or are equivalent to the major source threshold. They are therefore subject to the provisions of the CAM program as set forth in 40 CFR Part 64, as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV:

S001 – Waste Dust Silo; S005 – Raw Materials Dryer; S010 – Raw Material Grinding, S011 – Raw Mill Auxiliary Dust Collector, S012 – Raw Mill Feeders, S016 – Precalciner Kiln; S022 – Kiln Return Dust Silo; S024 - #2 Clinker Silo; S034- #6 Reclaim Feeder; S036 – Finish Mill; S037 – Finish Mill Auxillary Dust Collector; S043 – Cement Storage Silos A10 and A13; S044 – Cement Storage Silo A7; S045 – Cement Finish Silo A2; S046 – Packhouse West (loading spout); S046 - Packhouse East (loading Spout) - S051 – Top of A Frame Transfer; and S066 – Cement Silo A5

CAM requirements are set forth in Section II, Condition 23 of this permit.

The source is subject to the provisions of the CAM program as set forth in 40 CFR Part 64, as

adopted by reference in Colorado Regulation No. 3, Part C, Section XIV. CAM requirements are set forth in Section II, Condition 23.

In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with all General Activities and Summary.

SECTION II - Specific Permit Terms

1. P017- Dowe Flats and Lyons Quarry - Fugitive Dust Sources

AIRS pt 017: Blasting (combustion by-product emissions)

AIRs pt 025: Fugitive PM emissions from quarry activities

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Process Rate	1.1	3,500,000 tons/year 25,000 tons/day		Recordkeeping	Monthly
ANFO	1.2	1,182 tons/year		Recordkeeping	Monthly
PM	1.3	Dowe Flats Quarry Operations - 134.2 tons/ year	See Condition 1.3	Recordkeeping and Calculation	Monthly
PM ₁₀		Dowe Flats Quarry Operations - 58.4 tons/year 916 lbs/day			
PM	1.4	Disturbed Areas @ Lyons Quarry - 19.0 tons/year	63.3 lb/acre-mo	Recordkeeping and Calculation	Monthly
PM ₁₀		Disturbed Areas @ Lyons Quarry - 9.4 tons/year	31.7 lb/acre-mo		
NO _x	1.5	10.0 tons/year	17 lb/ton ANFO	Recordkeeping and Calculation	Monthly
CO		39.6 tons/year	67 lb/ton ANFO		
Fugitive Emission Control Plan	1.6			Inspection	Weekly
Restrictions	1.7	Lyons - Mining		Certification	Annually

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
on Lyons Quarry		Prohibited			
Hauling Restrictions	1.8	Number of haul trips shall be limited to 230 per day		Recordkeeping	Daily
Days of Operation	1.9			Recordkeeping	Monthly
Quarry Parameters for Emission Calculations	1.10			Recordkeeping	Monthly

Compliance Status:

P017- Dowe Flats and Lyons Quarry - Fugitive Dust Sources

AIRS pt 017: Blasting (combustion by-product emissions)

AIRs pt 025: Fugitive PM emissions from quarry activities

Parameter		Limitations	Reported Data
Dowe Flats Quarry	Process Rates	3,500,000 ton/yr	100,457 tons/yr
		25,000 ton/day	9,054 tons/day
	PM	134.2 ton/yr	87.96 tons/yr
	PM ₁₀	58.4 ton/yr	28.04 tons/yr
Lyons Quarry	PM	19 ton/yr	13.02 ton/yr
	PM ₁₀	9.4 ton/yr	5.00 ton/yr
ANFO	Consumption	1,182 tons/yr	420.33 ton/yr
	NO _x	10.0 tons/yr	0.07 ton/yr
	CO	39.6 tons/yr	0.27 ton/yr

Cemex provided the reported data above for the rolling 12-month period ending July 2018. The Lyons Quarry has been inactive for many years; however, particulate emissions from ongoing reclamation activities have been calculated.

- 1.1 Total material (includes: topsoil, overburden, limestone, and waste rock) handled shall not exceed the limitations listed in the above summary table (Construction Permit 93BO1414F, as modified under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part B, Section IIA.6 and Part C, Section X, to increase the throughput as indicated on the APEN submitted on July 24, 2015 and redlined on August 10, 2015). The quantity of total material handled shall be monitored and recorded monthly. Any information used to determine the monthly quantities of material handled shall be maintained and made available to the Division upon request. Monthly quantities of

materials handled shall be used in a twelve month rolling total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months data.

Compliance with the daily limits shall be monitored by dividing the monthly handling rates by the number of days of operation for that month.

Cemex is tracking material handling on a daily basis and compiling monthly and 12-month totals as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.2 The quantity of ANFO used in blasting shall not exceed the limits listed in the summary table above (Construction Permit 93BO1414F, as modified under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part B, Section II.A.6 and Part C, Section X to include ANFO limits based on requested emissions included on APEN submitted on August 25, 2016). The quantity of ANFO used shall be monitored and recorded monthly. Any information used to determine the monthly quantities of ANFO used shall be maintained and made available to the Division upon request. Monthly quantities of ANFO used shall be used in a twelve month rolling total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months data.

The source tracks ANFO usage on a monthly and 12-month rolling total basis as required. The reported rolling 12 month total usage is in the table above. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.3 PM and PM₁₀ emissions **from the Dowe Flats Quarry** shall not exceed the limits listed in the summary table above (Construction Permit 93BO1414F). Compliance with the annual limits shall be monitored by calculating emissions from each activity monthly using the emission factors in the table below. Monthly emissions from each activity will be summed together and used in a rolling twelve month total to monitor compliance with the annual emission limitations. Each month a new twelve month total shall be calculated using the previous twelve months data.

Compliance with the daily emission limits shall be monitored by dividing the monthly emissions by the number of days of operation for that month.

Note that PM_{2.5} emissions are not subject to permit limitations. Therefore monthly emissions of PM_{2.5} shall be used to determine annual (calendar year) emissions for purposes of APEN reporting.

	Uncontrolled Emission Factors	Control
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Activity	PM	PM ₁₀	PM _{2.5}	Units	Efficiency
Drilling	1.6 x 10 ⁻⁴	8.0 x 10 ⁻⁵	3.2 x 10 ⁻⁵	lb/ton	90%
Blasting – Limestone	3.582	1.862	0.107	lb/blast	
Blasting – Waste Rock/OB	5.005	2.602	0.150	lb/blast	
Truck Loading – Limestone Rock	0.0019	8.98 x 10 ⁻⁴	1.36 x 10 ⁻⁴	lb/ton	
Truck Unloading – Limestone Rock	0.0019	8.98 x 10 ⁻⁴	1.36 x 10 ⁻⁴	lb/ton	
Rock Hauling – Loaded Trucks	23.632	6.671	0.667	lb/VMT	80%
Rock Hauling – Empty Trucks	15.798	4.459	0.446	lb/VMT	80%
Top Soil Removal	0.058	0.029	0.0116	lb/ton	50%
Scraper – Top Soil Loaded	16.826	4.750	0.475	lb/VMT	80%
Scraper - Empty	13.367	3.773	0.377	lb/VMT	80%
Unloading of Topsoil	0.04	0.02	0.008	lb/ton	50%
Grading of Haul Roads	3.527	1.102	0.109	lb/VMT	80%
Bulldozing	9.782	2.066	1.027	lb/hr	
Water Truck	14.508	4.095	0.410	lb/VMT	80%
Disturbed Areas – Wind Erosion	760	380	152	lb/acre-yr	50%

VMT = vehicle miles traveled.

The source of the emission factors and assumptions used to determine the emission factors are included in Appendix H of the permit. If the underlying assumptions change (e.g. truck weight) and result in a more conservative (i.e. higher) emission factor, the source shall use the higher factor and document the reason for the change in the assumption and subsequently the change in the emission factor.

The control efficiencies noted in the above table may be applied to the emission calculations for the specified activity provided that the following requirements are met:

- 1.3.1 A control efficiency of 90% can be applied to the drilling emission calculations to take credit for the bag collectors required by Condition 1.6.1.8, provided that the drill bag collectors are operated and maintained in accordance with manufacturer's recommendations and good engineering practices. A copy of operating and maintenance procedures, schedules for maintenance and/or inspection and records related to operation and maintenance of the drills and bag collectors and good engineering practices such as records of routine maintenance and/or inspection shall be made available to the Division upon request.

- 1.3.2 A control efficiency of 50% can be applied to topsoil removal and unloading emission calculations for watering and adequate moisture provided the requirements in Conditions 1.6.1.1 and 1.6.1.3 are met.
- 1.3.3 A control efficiency of 80% can be applied to the emission calculations for activities related to the haul roads (hauling, grading, scraping and watering) provided the haul roads are watered and chemical stabilizers are applied as required by Condition 1.6.1.7.
- 1.3.4 A control efficiency of 50% can be applied to the emission calculations for wind erosion from disturbed areas because the quarry is located in a natural bowl depression which provides a wind break.

The source calculates PM and PM10 emissions from the Dowe Flats Quarry on a 12-month rolling total basis using the factors identified above. The reported rolling 12 month total emissions are in the table above. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.4 PM and PM₁₀ emissions **from disturbed areas at the Lyons Quarry** shall not exceed the limits listed in the summary table above (Construction Permit 93BO1414F). Compliance with the annual limits shall be monitored by calculating emissions monthly using the emission factors included in the above summary table (AP-42, Section 11.9 (dated 10/98), Table 11.9-4, wind erosion of exposed areas, converted to pounds and divided by 12) and the size of the exposed area, in the following equation:

$$\text{Tons/month} = \frac{\text{EF (lb/acre-mo)} \times \text{exposed area acreage (acres)}}{2000 \text{ lb/ton}}$$

Monthly emissions shall be used in a rolling twelve month total to monitor compliance with the annual emission limitations. Each month a new twelve month total shall be calculated using the previous twelve months data.

The permittee shall maintain documentation indicating how the size of the exposed area used in the above emission calculations was determined for each month.

The source calculates PM and PM10 emissions from disturbed areas at the Lyons Quarry on a 12-month rolling total basis using the factors identified above. The reported rolling 12 month total emissions are in the table above. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.5 NO_x and CO emissions from blasting shall not exceed the limits listed in the summary table above. (Construction Permit 93BO1414F, as modified under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part B, Section II.A.6 and Part C, Section X to include NO_x and CO emission limits requested on APEN submitted on August 25, 2016) Compliance with the monthly limits shall be monitored by calculating emissions monthly using the emission factors in the summary table (AP-42, Section 13.3, dated 2/80 (reformatted 1/95), Table 13.3-1) and the monthly quantity of ANFO used (as required by Condition 1.2). Monthly emissions from each activity will be summed together and used in a rolling twelve month total to monitor compliance with the annual emission limitations. Each month a new twelve month total shall be calculated using the previous twelve months data.

The source calculates NOX and CO emissions from blasting on a 12-month rolling total basis using the factors identified above. The reported rolling 12 month total emissions are in the table above. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.6 The Dowe Flats Quarry activities are subject to the following fugitive particulate matter requirements.

- 1.6.1 Every owner or operator of a new source or activity that is subject to this Section III.D. and which is required to obtain an emission permit under Regulation No. 3 shall submit a fugitive particulate emission control plan meeting the requirements of this Section III.D. at such time as, and as part of, the required permit application. Such plan shall be approved or disapproved by the division in the course of acting to approve or disapprove the permit application and no emission permit shall be issued until a fugitive particulate emission control plan has been approved. (Colorado Regulation No. 1, III.D.1.b)

The following approved measures shall be used to control fugitive particulate matter emissions from the Dowe Flats Quarry (Construction Permit 93BO1414F).

A weekly inspection of the site shall be conducted to ensure the emission control measures are in place and effective. The permittee shall maintain records of the weekly inspections and results. In addition, at any time when a fugitive dust problem is observed, the permittee shall take action to correct the problem. The permittee shall maintain records of the date and time of any fugitive dust problem observed, and the type and time of action taken to correct the problem. These records shall be maintained on site for inspection upon request.

The source performs weekly inspections of the control measures to ensure the emission control measures are in place and effective. The source maintains records of the weekly inspections and results as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.6.1.1 Adequate soil moisture must be maintained in topsoil and overburden to control emissions during removal.

No evidence of inadequate soil moisture to control emissions from topsoil and over burden was observed during the inspection. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.6.1.2 Topsoil and overburden stockpiles shall be reclaimed and revegetated in accordance with the Mined Land Reclamation Bureau (MLRB) permit conditions. Open acreage (mine pits and stockpiles) shall be minimized and in no circumstances shall they be in excess of MLRB or APCD permits, whichever is more restrictive. (Construction Permit 93BO1414F, Attachment A, as modified per Section 1, Condition 1.3 of this permit).

The source stated that disturbed areas of topsoil and overburden at Dowe Flats are minimized and reclaimed areas are re-vegetated as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.6.1.3 Emissions from material handling (i.e. removal, loading, and hauling) shall be controlled by watering at all times, except during below-freezing temperatures, unless natural moisture is sufficient to control emissions. A water application system (such as a sprinkler system or water truck) shall be operated to wet muck piles prior to loading, hauling and crushing. (Construction Permit 93BO1414F, Attachment A, as modified per Section 1, Condition 1.3 of this permit)

No fugitive emissions from material handling were observed during the inspections. Cemex employs a sprinkler system to wet the active disposal area and a water truck to control dust from haul roads. Cemex employs crews of laborers for cleaning up accumulated piles of dust on and

around equipment at the plant. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

1.6.1.4 Spillages and accumulations of particulate matter shall be cleaned up and shall be managed to insure they do not contribute to fugitive emissions during operation. (Construction Permit 93BO1414F, Attachment A, as modified per Section 1, Condition 1.3 of this permit)

1.6.1.5 Activities causing fugitive dust emissions shall be suspended when wind speeds reach or exceed 30 miles per hour, averaged over a 60-minute period. Only those activities affected by wind speed, and for which it is possible to “suspend operation” need be shut down (i.e., the permittee cannot “shut down” storage piles, thus this condition would not apply to storage piles). Activities may continue when the average wind speed drops below 30 m.p.h. (Construction Permit 93BO1414F, Attachment A, as modified per Section I, Condition 1.3 of this permit)

The permittee shall install, calibrate, and operate a wind speed instrument which will be used to alert personnel when average wind speeds reach or exceed 30 m.p.h. The permittee shall maintain records of those dates and times when wind speed reaches or exceeds 30 m.p.h, averaged over a sixty minute period.

Cemex is using a wind speed monitor mounted at the top of the primary crusher building to continuously record wind speeds, the control room operators evaluate the wind speed and suspend equipment operation when the wind exceeds 30 mph. The data acquisition system continuously monitors wind velocity and automatically notifies the control room operator when the wind speed exceeds 30 mph. The control room’s computer monitors have been modified to include a visual alarm to notify operators of high wind. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

1.6.1.6 Vehicle speed on unpaved roads and disturbed areas shall not exceed a maximum of 35 m.p.h. Speed limit signs shall be posted.

Speed limit signs are posted on unpaved roads as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

1.6.1.7 Unpaved haul roads shall be treated with chemical dust suppressants to maintain a surface crust, and watered, as often as

needed to control fugitive particulate emissions.

Records of application of dust suppressants shall be maintained on site for inspection upon request.

Haul roads at the facility are compacted and no visible emissions were observed from vehicle traffic. Chemical dust suppressant is applied at the quarry and water trucks are used to control fugitive dust. Records were reviewed during inspections and appear to be sufficient to control fugitive emissions. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

1.6.1.8 Drills shall be equipped with bag collectors to control emissions.

Drilling rigs have been observed during previous inspections and were equipped with bag collectors. Source is considered to be in compliance with this condition. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

1.6.1.9 Sequential blasting shall be employed.

Sequential blasting techniques are being employed. Cemex has contracted blasting activities out to a separate company for blasts at the quarry. Blasting activities are still being videotaped by the source to provide further evidence of this requirement. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

1.6.1.10 Reclamation work and sequential extraction of material shall be initiated to keep the total disturbed areas at any one time to a minimum.

Reclamation following extraction is the operating procedure employed by Cemex. Cemex has employed extensive reclamation activities with native plants around the facility to revegetate disturbed areas. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

1.6.1.11 The permittee shall maintain a copy of the facility's Mining and Reclamation plan (as submitted and approved by the Colorado Department of Minerals and Geology - Mine, Land, and Reclamation Division) on site for Division inspection upon

request. (Construction Permit 93BO1414F, Attachment A, as modified for clarification per Section 1, Condition 1.3 of this permit)

The Mining and Reclamation plans are available on-site for review. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.6.1.12 The permittee will postpone the loading of explosives if the wind speed is forecasted to be greater than 20 miles per hour at the time of the planned blast. (As provided for in Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate Compliance Order on Consent 2002-124, paragraph 38.b. The COC, at paragraph 46 requires this requirement to be in the permit.)

Cemex postpones the loading of explosives if the wind is forecasted to exceed 20 mph. Cemex also videotapes each quarry blast to document opacity and direction of plume travel. The source has a blasting record for each day a blast occurs with a forecast report indicating wind speed and direction printed from a local weather station. In addition, the control room operator's log also includes entries of Dowe Flats and raw material handling equipment downtime during high wind events that correspond to postponed blasts. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.6.1.13 The permittee will record the actual blast with a video camera, which is to be positioned such that the entire blast and emissions can be recorded on the camera. Each recorded blast shall capture the detonation and the tracking of the ensuing dust plume until the plume's opacity dissipates to less than 5% opacity. The video record will be kept on site and made available upon request. (As provided for in Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate Compliance Order on Consent 2002-124, paragraph 38.c. The COC, at paragraph 46 requires this requirement to be in the permit.)

Cemex is recording each blast with video and continues to record until the opacity is dissipated below 5%. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.6.2 If the division determines that a source of activity which is subject to this Section III.D. (whether new or existing) is operating with emissions in excess of 20% opacity and such source is subject to the 20% emission limitation guideline; or if it determines that the source or activity which is subject to this Section III.D. is operating with visible emissions that are being transported off the property on which the source is located and such source is subject to the no off property transport emission limitation guideline; or if it determines that any source or activity which is subject to this Section III.D. is operating with emissions that create a nuisance; it shall require the owner or operator of that source or activity to submit a written plan to the division for the control of fugitive particulate emissions within the time period specified in Section III.D. Provided, however, that in the case of a source or activity which already has a control plan, the division shall review said control plan and if it determines the plan does not meet the requirements of this Section III.D. it shall require the submission of a revised control plan. (Colorado Regulation No. 1, Section II.D.1.c)

The guidelines that apply to the activities at the Dowe Flats Quarry are as follows:

- 1.6.2.1 Storage and Handling of Materials – Both the 20% opacity and the no off-property transport emission limitation guidelines shall apply to storage and handling operations. (Colorado Regulation No. III.D.2.c.(iii))
- 1.6.2.2 Mining Activities, including mined land reclamations - Both the 20% opacity and the no off-property transport emission limitation guidelines shall apply to mining activities' except that with respect to sources or activities associated with mining for which there are separate requirements set forth in this regulation, the emission limitation guidelines there specified as applicable to such sources and activities shall apply. (Colorado Regulation No. 1, Section III.D.2.d.(iii))
- 1.6.2.3 Haul Roads - The no off-property transport emission limitation guideline shall apply to on-site haul roads (i.e., those located on and abutted by the property owned or under control of the owner or operator of the haul road) and the nuisance guideline shall apply to off-site haul roads (i.e., those abutted on both sides by property not owned or under the control of the owner or operator of the haul road). (Colorado Regulation No. 1, Section III.D.2.e.(iii))
- 1.6.2.4 Haul Trucks - The no off-property transport emission limitation guideline shall apply to haul trucks; except that when operating off the property of the owner or operator, the applicable guideline shall be no off-vehicle transport of visible emissions. (Colorado Regulation No. 1, Section III.D.2.f.(iii))

- 1.6.2.5 Blasting Activities - Only the no off-property transport emission limitation guideline shall apply to blasting activities. (Colorado Regulation No. 1, Section III.D.2.i.(iii))
- 1.6.2.6 As used herein, “nuisance” shall mean the emission of fugitive particulates that constitutes a private or public nuisance as defined in common law, the essence of which is that such emissions are unreasonable interfering with another person’s use and enjoyment of his property. Such interference must be “substantial” in its nature as measured by a standard that it would be of definite offensiveness, inconvenience, or annoyance to a normal person in the community. (Colorado Regulation No. 1, Section III.D.1.c)
- 1.6.2.7 The 20% opacity, no off-property transport, and nuisance emission limitation guidelines of this Section III.D. (as included in Conditions 1.6.2.1 through 1.6.2.5) are not enforceable standards and no person shall be cited for violation thereof pursuant to C.R.S. 1973, 25-7-115 as amended. (Colorado Regulation No. 1, Section III.D.1.e.(iii))

No visible emissions in excess of 20% opacity and no off-property transport were noted during the inspection. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this condition. (In Compliance)

- 1.6.3 In the event that a revised control plan is requested under the provisions of Condition 1.6.2, the following apply:
 - 1.6.3.1 Sources required to submit control plans for revisions to the division shall do so within sixty days of the date such plan or revision is requested; provided, however, that the division, in its discretion, may where appropriate establish a different time period for submittal, taking into consideration such factors as the duration of the operation of the source or activity, the significance and nature of the emissions, and the relative complexity of the operation and applicable control methods. (Colorado Regulation No. 1, Section III.D.1.d.(ii))
 - 1.6.3.2 Each control plan shall include all available practical methods which are technologically feasible and economically reasonable and which reduce, prevent and control fugitive particulate emissions from the source or activity into the atmosphere. For those materials, equipment, services or other resources (such as water for abatement and control purposes), which are likely to be scarce at any given time, an alternative control method must be included in the control plan. Any source required to submit a control plan may ask for a “control plan conference” with the

division, and if so requested the division shall hold such a conference for the purpose of advising what types of control measures and/or operating procedures will meet the requirements of this section. (Colorado Regulation No. 1, Section III.D.1.d.(iii))

- 1.6.3.3 The division shall approve any plan submitted under this Section III.D. unless the division determines that the plan does not meet the requirements of Section III.D. If a control plan is not approvable in its entirety, the division shall approve those portions, which meet the requirements of this section and disapprove those portions, which fail to meet the requirements of this section. (Colorado Regulation No. 1, Section III.D.1.d.(iv))

No visible emissions and no off-property transport were noted during the inspection. A revised control plan has not been requested under the provisions of Condition 1.6.2. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this condition. (In Compliance)

- 1.6.4 It shall be a violation of this regulation (Colorado Regulation No. 1) and the division may take enforcement action pursuant to C.R.S. 1973, 25-7-115, as amended, if the owner or operator:
 - 1.6.4.1 Fails to submit a control plan (or revision of an existing plan) within sixty days (or other time period specified by the division) after being notified by the division that such submittal is required unless operation of such source is discontinued so as to permanently eliminate the cause of fugitive particulate emissions there from (Colorado Regulation No. 1, Section III.D.1.e.(i)); or
 - 1.6.4.2 Owns or operates a source or activity for which the division has disapproved a control plan or a revised control plan unless operation of such source is discontinued so as to permanently eliminate the cause of fugitive particulate emissions there from (Colorado Regulation No. 1, Section III.D.1.e.(ii)); or
 - 1.6.4.3 Fails to comply with the provisions of an approved control plan. (Colorado Regulation No. 1, Section III.D.1.e.(iii)) The provisions of the approved control plan for these sources are found in Condition 1.6.1.

No visible emissions and no off-property transport were noted during the inspection. A revised control plan has not been requested. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.7 There shall be no mining of limestone/raw materials or overburden materials at the Lyons Quarry. Reclamation activities and cement kiln dust disposal (as permitted under Section II, Condition 13 of this permit) are allowed in the Lyons Quarry. (Construction Permit 93BO1414F)

The Lyons Quarry is no longer being mined. However, CKD disposal and reclamation activities still persist at the site. Particulate emissions calculated for the Lyons Quarry are associated with these activities. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.8 The number of haul truck trips shall be limited to 230 trips per day. The daily number of haul truck trips shall be monitored and recorded daily in order to monitor compliance with the daily limitation. Logs, reports and/or other information used to record and/or determine the hours of daily number of haul trips shall be maintained and made available to the Division upon request.

The source monitors the daily number of haul truck trips. No exceedances were noted in the records provided. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.9 Days of operation for the Dowe Flats Quarry activities shall be monitored and recorded monthly. Days of operation shall be used to determine daily throughput and emissions as specified in Conditions 1.1 and 1.3

The source monitors the days of operation for the Dowe Flats Quarry activities. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.10 The following quarry parameter information shall be monitored and recorded monthly for use in the emission calculations required by Condition 1.3:
- 1.10.1 The number of blasts. Information recorded for the blasts each month shall indicate whether blasts are conducted on limestone or waste rock/overburden.
 - 1.10.2 The number of hours the bulldozer is operated.

1.10.3 The number of vehicle miles traveled (VMT). VMT shall be determined for all vehicles used for hauling, scraping, grading and watering.

Logs, reports and/or other information used to record and/or determine the information in this Condition 1.10 shall be maintained and made available to the Division upon request.

The source maintains records of the number of blasts and whether blasts are conducted on limestone or waste rock/overburden, the number of hours the bulldozer is operated and the number of vehicle miles traveled for all vehicles used for hauling, scraping, grading and watering. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

2. P017- Dowe Flats Quarry – Point Source Emissions

AIRs pt 027: S055, Primary Crusher (Quarry)

AIRs pt 026: S056 – S064 - Belt Conveyor, Radial Stacker to Stockpiles

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Process Rate	2.1	1,050,000 tons/year		Recordkeeping	Monthly
NSPS OOO Requirements	2.2	PM – 0.05 gram per dry standard cubic meter Opacity – shall not exceed 7% (PM and opacity limits apply to each stack)		Performance Test Baghouse Operation and Maintenance Visible Emission Observation Method 9 Observation	Every Five (5) Years See Condition 2.2.5 Daily Semi-annually
PM	2.3	0.16 tons/year	Crusher: 0.020 lb/ton* Conveyor: 0.00124 lb/ton* (total for all transfer points)	Recordkeeping and Calculation Performance Test	Monthly Every Five (5) Years
PM ₁₀	2.3	0.07 tons/year	Crusher: 0.009 lb/ton* Conveyor: 0.00059 lb/ton* (total for all transfer points)	Baghouse Operation and Maintenance	See Condition 2.2.5
Opacity	2.4	Shall not exceed 20%, except as provided for below		Visible Emission Observation Method 9	Daily If Required (See Conditions 16.1.1.2 and 20.5.1)

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
		Certain Operating Conditions - Shall not exceed 30%		Baghouse Operation and Maintenance	See Condition 2.2.5
Performance Testing	2.5			EPA Test Methods	Every Five (5) Years
NSPS General Provisions	2.6			See Condition 2.6	

*A control efficiency of 98.6% may be applied as provided for in Condition 2.3.

Compliance Status: P017- Dowe Flats Quarry

S055 - S064, Primary Crusher, Belt Conveyor, Radial Stacker to Stockpiles

Parameter	Limitations	Reported Data
Process Rate	1,050,000 tons/yr	579,293 tons
PM	0.16 ton/yr	0.01 tons
PM ₁₀	0.07 ton/yr	0.0052 tons

Cemex provided the reported data above for the rolling 12-month period ending July 2018.

- 2.1 Processing and conveying of raw materials at the crusher and conveyor system shall not exceed the limitation listed in the above summary table (Construction Permit 94BO593). The quantity of raw materials processed and conveyed shall be monitored and recorded monthly. Any information used to determine the monthly quantities of material processed shall be maintained and made available to the Division upon request. Monthly quantities of materials processed and conveyed shall be used in a twelve month rolling total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months data.

The source monitors processing and conveying of raw materials at the crusher and conveyor system on a rolling 12-month total basis. The reported process rate is in the table above. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 2.2 The crusher and the conveyor are subject to the provisions of 40 CFR Part 60, Subpart OOO, Standards of Performance for Non-Metallic Mineral Processing Plants, as adopted by reference in Colorado Regulation No. 6, Part A, as follows:

The requirements below reflect the current rule language as of the revisions to 40 CFR Part 60 Subpart OOO published in the Federal Register on April 28, 2009. However, if revisions to this Subpart are published at a later date, the owner or operator is subject to the requirements contained in the revised version of 40 CFR Part 60, Subpart OOO.

Applicability and Designation of Affected Facility (§ 60.670)

- 2.2.1 When an existing facility is replaced by a piece of equipment of equal or smaller size, as defined in §60.671, having the same function as the existing facility, and there is no increase in the amount of emissions, the new facility is exempt from the provisions of §§60.672, 60.674, and 60.675 except as provided for in 60.670(d)(3) (Condition 2.2.1.2). (60.670(d)(1))
 - 2.2.1.1 An owner or operator complying with 60.670(d)(1) (Condition 2.2.1) shall submit the information required in §60.676(a) (Condition 2.2.4). (60.680(d)(2))
 - 2.2.1.2 An owner or operator replacing all existing facilities in a production line with new facilities does not qualify for the exemption described in 60.670(d)(1) (Condition 2.2.1) and must comply with the provisions of §§60.672, 60.674 and 60.675. (60.670(d)(3))

Standards for Particulate Matter (§ 60.672)

- 2.2.2 The requirements in Table 2 of this subpart apply for affected facilities with capture systems used to capture and transport particulate matter to a control device. (60.672(a), excluding the first sentence since equipment has been operating for more than 180 days) The provisions in Table 2 that apply to these sources are as follows:
 - 2.2.2.1 Particulate matter (PM) emissions shall not exceed 0.05 grams per dry standard cubic meter (0.022 grains per dry standard cubic feet).
 - 2.2.2.2 Opacity emissions shall not exceed 7%.

This opacity standard applies at all times except during periods of startup, shutdown and malfunction (§ 60.11(c)).
- 2.2.3 Truck dumping of nonmetallic minerals into any screening operation, feed hopper, or crusher is exempt from the requirements of this section. (60.672(d))

Reporting and Recordkeeping (§ 60.676)

- 2.2.4 Each owner or operator seeking to comply with §60.670(d) (Condition 2.2.1) shall submit to the Administrator the information in 60.676(a) about the existing facility being replaced and the replacement piece of equipment. (60.676(a))

Compliance with the emission limitations in Condition 2.2.2 shall be monitored as follows:

- 2.2.5 The baghouses shall be operated and maintained in accordance with the requirements in Condition 19.
- 2.2.6 Compliance with the particulate matter limits in Condition 2.2.2.1 shall be monitored by conducting performance tests in accordance with the requirements in Condition 2.5.
- 2.2.7 Compliance with the opacity requirement in Condition 2.2.2.2 shall be monitored as follows:
 - 2.2.7.1 Daily visible emission observations shall be conducted in accordance with the requirements in Condition 16.
 - 2.2.7.2 A six (6) minute EPA Method 9 opacity observation shall be conducted semi-annually for the primary crusher baghouse and one representative baghouse for the conveyor. Semi-annual opacity observations shall be separated by at least four (4) months.

A different conveyor baghouse shall be tested during each semi-annual Method 9 observation, unless Division approval has been received to test a baghouse that has already been tested. Once Method 9 observations required under this permit condition have been conducted on all conveyor baghouses, the permittee shall repeat the process of testing a different conveyor baghouse during each semi-annual test event.
 - 2.2.7.3 Subject to the provisions of C.R.S. 15-7-123 and in the absence of credible evidence to the contrary, exceedance of the limit shall be considered to exist from the time a Method 9 reading is taken that shows an exceedance of the opacity limit until a Method 9 reading is taken that shows the opacity is less than the opacity limit.
 - 2.2.7.4 All opacity observations shall be performed by an observer with current and valid Method 9 certification. Results of Method 9 readings and a copy of the certified Method 9 reader's certificate shall be kept on site and made available to the Division upon request.

Cemex conducted a stack test on 5/22&23/2018 on the primary crusher and a representative conveyor baghouse. The results of the test indicate compliance with the lb/ton PM emission factors in the table above and the grain loading limits in NSPS Subpart OOO (0.05 gr/dscm). Reference Method 9 readings were done simultaneously with the test runs and showed opacity of 0. Reference Method 9 readings are conducted semi-annually for as required. Nothing was discovered that indicates the source is not operating and maintaining and equipment and associated control equipment to the extent practicable using good air pollution control practices

for minimizing emissions during periods of start up, periods of shutdown, periods of malfunction, and periods of normal operations. It appears that no article, machine, equipment, or process was used to conceal an emission that would otherwise constitute a violation of an applicable standard. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this condition. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

2.3 PM and PM₁₀ emissions shall not exceed the limits listed in the above summary table (Construction Permit 94BO593, as modified under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part B, Section II.A.6 and Part C, Section X to correct PM emission limit in order to reflect emission factors and throughput limit). Compliance with the emission limitations shall be monitored as follows:

2.3.1 Monthly emissions shall be calculated by the end of the subsequent month using the emission factors in the above summary table (from 94BO593 construction permit analysis) in the following equation:

$$\text{Tons/mo} = \frac{\text{EF (lbs/ton)} \times \text{material conveyed or crushed (tons/mo)}}{2000 \text{ lbs/ton}}$$

Note that if the baghouses are operated and maintained in accordance with the requirements in Condition 19 a control efficiency of 98.6 % may be used in the above calculation for the enclosed conveyor baghouses and the crusher baghouse.

Monthly emissions from the crusher and conveyor shall be summed together and used in a rolling twelve month total to monitor compliance with the annual limitations. Each month a new twelve month rolling total shall be calculated using the previous twelve months' data. Records of emission calculations shall be maintained and made available to the Division upon request.

2.3.2 Performance tests shall be conducted in accordance with the requirements in Condition 2.5.

2.3.3 The baghouses shall be operated and maintained in accordance with the requirements in Condition 19.

Cemex is calculating emissions from material throughput on a monthly and 12-month rolling total basis as required. No exceedances of the permit limits were noted in the records provided. The baghouses are operated and maintained in accordance with the requirements in Condition 19. Cemex conducted a stack test on 5/22&23/2018 on the primary crusher and a representative conveyor baghouse. The results of the test indicate compliance with the lb/ton PM emission factors in the table above and the grain loading limits in NSPS Subpart OOO (0.05 gr/dscm). In

the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 2.4 These sources are subject to the Colorado Regulation No. 1 opacity limits set forth in Condition 20 of this permit.

The baghouses are operated and maintained in accordance with the requirements in Condition 20. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 2.5 Performance tests shall be conducted every five (5) years to measure the emission rates of filterable PM and PM₁₀ emissions in order to monitor compliance with the emission limitations in Conditions 2.2.2.1 and 2.3. Performance tests shall be conducted in accordance with the appropriate EPA Test Methods and the requirements in § 60.675 (for the PM limits in Condition 2.2.2.1).

Performance tests shall be conducted on the primary crusher baghouse stack and one representative baghouse stack for the conveyor. A different conveyor baghouse shall be tested during each five year test event, unless Division approval has been received to test a baghouse that has already been tested. Once performance tests required under this permit condition have been conducted on all conveyor baghouses, the permittee shall repeat the process of testing a different conveyor baghouse during each five year test event.

Note that performance tests were conducted June 4 – 6 2013 on the primary crusher and a representative conveyor baghouse.

For purposes of assessing compliance with the annual emission limitations in Condition 2.3, the results of the tests shall be converted to a lb/hr basis and used in the following equations:

$$\text{PM} = \text{crusher test result (lb/hr)} \times 8,064 \text{ hrs/yr} + 8 \times \text{conveyor test result (lb/hr)} \times 8,064 \text{ hrs/yr}$$

$$\text{PM}_{10} = \text{crusher test result (lb/hr)} \times 8,064 \text{ hrs/yr} + 8 \times \text{conveyor test result (lb/hr)} \times 8,064 \text{ hrs/yr}$$

The throughput rate (tons/hr) of the equipment shall be recorded during the performance test and shall be used in conjunction with the test results to determine the emission factor (lb/ton), which will be compared to the emission factors specified in the permit. If the performance test shows that the PM and/or PM₁₀ emission rates/factors are greater than the relevant ones set forth in the permit, and in the absence of subsequent testing results

to the contrary (as approved by the Division), the permittee shall apply for a modification to this permit to reflect, at a minimum, the higher emission rate/factor within 60 days of the completion of the test.

Note that the emission factors listed in the permit represent uncontrolled emissions, thus the controlled emission factors for the above analysis are as follows: Crusher: PM = 2.8×10^{-4} lb/ton, PM₁₀ = 1.26×10^{-4} lb/ton, Conveyor (total for transfer points): PM = 1.74×10^{-5} lb/ton, PM₁₀ = 8.26×10^{-6} lb/ton. Note that the emission factor for the conveyor is for all eight baghouses, thus the emission rates/factors determined for the representative conveyor baghouse must be multiplied by 8 and then compared to the controlled emission rates/factors.

A stack testing protocol shall be submitted for Division approval at least thirty (30) calendar days prior. The test protocol, test, and test report must be in accordance with the requirements of the APCD Compliance Test Manual (<https://www.colorado.gov/pacific/cdphe/inspections-and-enforcement>). A stack testing protocol shall be submitted for Division approval at least forty-five (45) calendar days prior to any performance of the test required under this condition. No stack test required herein shall be performed without prior approval of the protocol by the Division. The Division reserves the right to witness the test. In order to facilitate the Division's ability to make plans to witness the test, notice of the date(s) for the stack test shall be submitted to the Division at least thirty (30) calendar days prior to the test. The Division may for good cause shown, waive this thirty (30) day notice requirement. In instances when a scheduling conflict is presented, the Division shall immediately contact the permittee in order to explore the possibility of making modifications to the stack test schedule. The compliance test results shall be submitted to the Division within forty-five (45) calendar days of the completion of the test unless a longer period is approved by the Division.

The source conducted a stack test on 5/22&23/2018 on points 026 & 027; within 5 years of the previous test. The protocol was submitted and the Division testing group observed and accepted the test. The results of the performance test shows that the PM and/or PM10 emission rates/factors are not greater than the relevant ones set forth in the permit; the source does not need apply for a modification to this permit. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

2.6 These sources are subject to 40 CFR Part 60, Subpart A - General Provisions, as adopted by reference in Colorado Regulation No. 6, Part A. Specifically, these units are subject to the following requirements:

2.6.1 No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an

applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere. (§ 60.12)

2.6.2 At all times, including periods of startup, shutdown, and malfunction owners and operators shall to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. (§ 60.11(d))

2.6.3 Any owner or operator subject to the provisions of this part shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative. (§ 60.7(b))

Nothing was discovered that indicates the source is not operating and maintaining and equipment and associated control equipment to the extent practicable using good air pollution control practices for minimizing emissions during periods of start up, periods of shutdown, periods of malfunction, and periods of normal operations. It appears that no article, machine, equipment, or process was used to conceal an emission that would otherwise constitute a violation of an applicable standard. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this condition. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

3. P000 – Raw Material Storage and Handling at Plant Site

**AIRS pt 024: Discharge of Primary-Crushed Raw Materials onto Open Stockpile and S009
- Front End Loader Activity**

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Process Rate	3.1	Front End Loaders: 1,050,000 tons/year 4,170 tons/day* Iron Containing Material: 50,000 tons/year		Recordkeeping	Monthly
PM	3.2	15.5 tons/year	Front End Loader: 0.0282 lb PM/ton 0.0127 lb PM ₁₀ /ton	Recordkeeping and Calculation	Monthly
PM ₁₀		7.0 tons/year 53.00 lbs/day			
Days of Operation	3.3			Recordkeeping	Monthly
Opacity	3.4	Shall not exceed 20%, except as provided for below		Visible Emission Observation Method 9 Baghouse Operation and Maintenance	Daily If Required (See Conditions 16.1.1.2 and 20.5.1) See Condition 19
		Certain Operating Conditions - Shall not exceed 30%			
PM Emission Control Plan	3.5			Inspection	Weekly

*daily limit addresses all materials, including iron containing material.

Compliance Status: P000 - Raw Material Storage and Handling at Plant Site

AIRS pt 024: Discharge of Primary-Crushed Raw Materials onto Open Stockpile and S009 - Front End Loader Activity

Parameter	Limitations	Reported Data
Process Rate Front End Loader	1,050,000 tons/yr	579,293 tons
	4,170 tons/day	2,147 tons/day
Process Rate Iron Containing Material	50,000 tons/year	0
PM	15.5 tons/yr	8.17 tons
PM ₁₀	7.0 tons/yr	3.68 tons
	53 lbs/day	27.27 lbs/day

Cemex provided the reported data above for the rolling 12-month period ending July 2018.

Magnetite has replaced iron slag as the iron source for the kiln; therefore, no iron slag has been stored or handled

- 3.1 Process rates shall not exceed the rates listed in the above summary table (Construction Permit 98BO0292, as modified under the provisions of Section I, Condition 1.3 to reduce the daily throughput limit to a level where compliance with the daily PM₁₀ limit is ensured based on the PM₁₀ emission factor). The quantity of materials processed shall be monitored and recorded monthly. Any information used to determine the monthly quantities of materials processed shall be maintained and made available to the Division upon request. Monthly quantities of materials processed shall be used in a twelve month rolling total to monitor compliance with the annual limitations. Each month a new twelve month rolling total shall be calculated using the previous twelve months data.

Compliance with the daily throughput limit shall be monitored by dividing monthly quantity of materials handled by the number of days of operation for that month.

Records provided by Cemex indicate compliance with the process rates and emissions limits stated above. Cemex is maintaining daily, monthly and rolling 12-month total as required. No exceedances of the permit limits have been noted. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 3.2 PM and PM₁₀ emissions shall not exceed the limits listed in the above summary table (Construction Permit 98BO0292). Compliance with the emission limitations shall be monitored by calculating monthly emissions using the emission factors in the above summary table (from permit notes in Construction Permit 98BO0292, initial approval, modification 2, issued June 19, 2006) in the following equation:

$$\text{Tons/mo} = \frac{\text{EF (lbs/ton)} \times \text{material processed (tons/mo)}}{2000 \text{ lbs/ton}}$$

Monthly emissions shall be calculated by the end of the subsequent month. Monthly emissions shall be used in a rolling twelve month total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months' data. Records of emission calculations shall be maintained and made available to the Division upon request.

Compliance with the daily emission limit shall be monitored by dividing the monthly emissions by the number of days of operation for that month.

Cemex is maintaining and calculating daily, monthly and rolling 12-month total of particulate emissions as required. No exceedances of the permit limits have been noted. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 3.3 Days of operation for these activities shall be monitored and recorded monthly. Day of operation shall be used to determine daily throughput and emissions as specified in Conditions 3.1 and 3.2.

Cemex monitors days of operation for these activities to determine daily throughput and emissions. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 3.4 These sources, except for Front End Loader Activity, are subject to the opacity limits set forth in Condition 20 of this permit.

The baghouses are operated and maintained in accordance with the requirements in Condition 20. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 3.5 These sources are subject to the following fugitive particulate matter requirements.

- 3.5.1 Every owner or operator of a new source or activity that is subject to this Section III.D. and which is required to obtain an emission permit under

Regulation No. 3 shall submit a fugitive particulate emission control plan meeting the requirements of this Section III.D. at such time as, and as part of, the required permit application. Such plan shall be approved or disapproved by the division in the course of acting to approve or disapprove the permit application and no emission permit shall be issued until a fugitive particulate emission control plan has been approved. (Colorado Regulation No. 1, III.D.1.b)

The following approved measures shall be used to control fugitive particulate matter emissions from these sources (Construction Permit 98BO0292).

A weekly inspection of the site shall be conducted to ensure the emission control elements are in place and effective. In addition, at any time when a fugitive dust problem is observed, the permittee shall take action to correct the problem. The permittee shall maintain records of the date and time of any fugitive dust problem observed, and the type and time of action taken to correct the problem. These records shall be maintained on site for inspection upon request.

The source performs weekly inspections of the control measures to ensure the emission control measures are in place and effective. The source maintains records of the weekly inspections and results as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

3.5.1.1 Height of discharge from the stacker belt shall be adjusted to minimize the drop height. Water spray bars shall be used if the natural surface moisture is insufficient to limit opacity to less than 10 percent.

Cemex installed a new stacker in 2009 equipped with a baghouse and a second foam system application at the transfer point to the new stacker from the two mile conveyor from Dowe Flats. Foam is first applied to material on the belt at Dowe Flats. The stacker was not operating during the inspection and the drop distance was not observed. The stacker is equipped with a “tattle-tail” sensor that maintains the stacker’s height above the stock pile and has a water spray bar to control particulate emissions at the discharge. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

3.5.1.2 Transfer points shall be enclosed and maintained under negative pressure.

The transfer points are shrouded and a dust collector capture fugitive dust and periodically release the collected material back onto the conveyor belt before the water spray nozzles. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 3.5.1.3 Moisture content of the materials handled by front-end loaders shall be adequate to effectively control the emissions. (Construction Permit 98BO0292, as modified according to Section I, Condition 1.3 of this permit)

No material handling was observed during the inspection. The material transported during previous inspections contained adequate moisture to control emissions. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 3.5.1.4 When feeding the primary crusher at the plant, material drop height from the front-end loaders shall be minimized. (Construction Permit 98BO0292, as modified per Section 1, Condition 1.3 of this permit)

A line is marked on the back of the primary crusher indicating the maximum drop height into the crusher. The equipment operator has been observed loading material into the hopper during previous inspections and the drop distance was minimized. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 3.5.1.5 The stockpile work area on which the front-end loaders operate shall be treated with chemical dust suppressants and/or water to minimize the generation of fugitive emissions. (Construction Permit 98BO0292, as modified per Section 1, Condition 1.3 of this permit)

No visible emissions were observed from the operation of the loader. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 3.5.1.6 Paved travel areas used by the front-end loader shall be regularly swept with a high efficiency industrial sweeper to minimize material buildups. In addition, these areas will be watered as

necessary and vehicle traffic suspended or rerouted to minimize fugitive emissions if fugitive emissions become a concern. (Construction Permit 98BO0292, as modified per Section 1, Condition 1.3 of this permit)

The vacuum sweeper vehicle was observed on site during the inspection and no visible emissions were observed from vehicle use on the paved areas. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

3.5.1.7 Front end loader and hauling activities shall be suspended when the wind speed reaches or exceeds 30 m.p.h., averaged over a 60-minute period. Activities may continue when the average wind speed drops below 30 m.p.h. (Construction Permit 98BO0292, as modified per Section 1, Condition 1.3 of this permit)

Wind monitoring data and daily equipment operation logbooks are maintained onsite and equipment is suspended during high wind events. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

The permittee shall install, calibrate, and operate a wind speed instrument which will be used to alert personnel when wind speeds reach or exceed 30 m.p.h. The permittee shall maintain records of those dates and times when wind speed reaches or exceeds 30 m.p.h, averaged over a sixty minute period.

Cemex is using a wind speed monitor mounted at the top of the primary crusher building at Dowe Flats to continuously record wind speeds. The data acquisition system continuously monitors wind velocity and automatically notifies the control room operator when the wind speed exceeds 30 mph. The control room's computer monitors have been modified to include a visual alarm to notify operators of high wind. The anemometer was replaced in 2008 and routine calibrations are performed semiannually. Wind speed and equipment shut down records are maintained onsite; equipment and activities are shut down when the wind speed exceeded 30 mph. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

3.5.2 If the division determines that a source of activity which is subject to this Section III.D. (whether new or existing) is operating with emissions in excess of 20% opacity and such source is subject to the 20% emission limitation

guideline; or if it determines that the source or activity which is subject to this Section III.D. is operating with visible emissions that are being transported off the property on which the source is located and such source is subject to the no off property transport emission limitation guideline; or if it determines that any source or activity which is subject to this Section III.D. is operating with emissions that create a nuisance; it shall require the owner or operator of that source or activity to submit a written plan to the division for the control of fugitive particulate emissions within the time period specified in Section III.D. Provided, however, that in the case of a source or activity which already has a control plan, the division shall review said control plan and if it determines the plan does not meet the requirements of this Section III.D. it shall require the submission of a revised control plan. (Colorado Regulation No. 1, Section II.D.1.c)

The guidelines that apply to the activities at these sources are as follows:

- 3.5.2.1 Storage and Handling of Materials – Both the 20% opacity and the no off-property transport emission limitation guidelines shall apply to storage and handling operations. (Colorado Regulation No. III.D.2.c.(iii))
- 3.5.2.2 The 20% opacity, no off-property transport, and nuisance emission limitation guidelines of this Section III.D. (as included in Condition 3.5.2.1) are not enforceable standards and no person shall be cited for violation thereof pursuant to C.R.S. 1973, 25-7-115 as amended. (Colorado Regulation No. 1, Section III.D.1.e.(iii))
- 3.5.3 In the event that a revised control plan is requested under the provisions of Condition 3.5.2, the requirements in Condition 1.6.3 shall be met.
- 3.5.4 Violations of these fugitive particulate matter requirements and potential Division enforcement action related to those violations are defined in Condition 1.6.4.

No visible emissions in excess of 20% opacity and no off-property transport were noted during the inspection. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this condition. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

4. P001 – Primary Crusher (Plant Site)

AIRs pt 001: S002 - Primary Crusher (Plant Site) and S004 – Surge Silo

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Process Rate	4.1			Recordkeeping	Annually
PM & PM ₁₀	4.2		PM & PM ₁₀ : Crusher: 0.001 lb/ton Surge Silo: 2.9 x 10 ⁻⁵ lb/ton	Recordkeeping and Calculation	Annually
PM	4.3	See Condition 4.3		Baghouse Maintenance and Operation	See Condition 19
Opacity	4.4	Shall not exceed 20%, except as provided for below		Visible Emission Observation Method 9	Daily If Required (See Conditions 16.1.1.2 and 20.5.1) See Condition 19
		Certain Operating Conditions – Shall not exceed 30%, for a period or periods aggregating more than six (6) minutes in any 60 consecutive minutes		Baghouse Maintenance and Operation	

**Compliance Status: S002 - Primary Crusher at Plant Site
S004 - Surge Silo**

Parameter	Limitations	Actual Data
Material Throughput	No limit	579,293 tons/yr
Crusher	PM	0.29 tons
	PM ₁₀	0.29 tons
Surge Silo	PM	0.008 tons
	PM ₁₀	0.008 tons

Cemex provided the reported data above for the rolling 12-month period ending July 2018. Source is in compliance with calculating and reporting of monthly and annual production throughput values.

- 4.1 Raw materials processed through these sources shall be monitored and recorded annually. Any information used to determine the annual quantity of materials processed shall be maintained and made available to the Division upon request.

Cemex is recording monthly and annual raw material throughput as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 4.2 Annual emissions for purposes of APEN reporting and the payment of annual fees shall be estimated using the annual raw materials processed, as required by Condition 4.1, and the emission factors listed in the above summary table (AP-42, Section 11.6, dated January 1995, Table 11.6-4) in the following equation:

$$\text{Tons/yr} = \frac{[\text{EF (lb/ton)} \times \text{annual material processed (ton/yr)}]}{2000 \text{ lb/ton}}$$

The emission factors included in the above summary table account for baghouse control.

Cemex is calculating emissions using the raw material throughputs and the emission factors in the table above, as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 4.3 No owner or operator of a manufacturing process unit shall cause or permit emission of any particulate matter into the atmosphere during any consecutive sixty minute period which is in excess of the following. (Colorado Regulation No. 1, III.C.1)

- 4.3.1 For process equipment having design rates of greater than 30 tons per hour, the allowable emission rate shall be determined by use of the equation (Colorado Regulation No. 1, III.C.1.b):

$$E = 17.31 (P)^{0.16}$$

Where:

E is the allowable particulate emissions in lbs/hr.

P is the process weight rate in tons/hr

In absence of evidence to the contrary, compliance with the PM limit is presumed provided the baghouses are operated and maintained in accordance with the requirements specified in Condition 19.

The baghouses are operated and maintained in accordance with the requirements in Condition 19. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

4.4 These sources are subject to the opacity limits set forth in Condition 20 of this permit.

This point is meeting the opacity requirements outlined in Condition 20. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

P002 - Raw Materials Drying

AIRs pt 002: S005 Raw Materials Dryer

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Operating Hours	5	7,000 hours/year		Recordkeeping	Monthly
Dryer Feed	5.2	1,050,000 tons/year 160 tons/hour			
Coal	5.3	1.4 tons/hour			
Dryer Heat Input	5.4	210,000 MMBtu/year		Recordkeeping	Monthly
Btu Content of Fuel	5.5			Fuel Sampling	See Condition 5.5
PM	5.6	22.8 tons/year	See Condition 5.6.3.	Performance Test	From Annually to Every Five (5) Years (See Condition 5.6.2)
PM ₁₀		22.8 tons/year and 6.5 lbs/hour		Recordkeeping and Calculation	Monthly
				Baghouse Maintenance and Operation CAM	See Condition 5.6.1 See Condition 5.6.4.
SO ₂	5.7	36.7 tons/year	See Condition 5.7.2	Performance Test	VOC: Every Thirty (30) Months Other Pollutants: Every Five (5) years Monthly
NO _x		13.9 tons/year			
CO		57.3 tons/year			
Lead		1.6 tons/year			
VOC		144.8 tons/yr			
Opacity	5.8	Shall not exceed 20%, except as provided for below		Visible Emission Observation Method 9	Daily If Required (See Conditions 16.1.1.2 and 20.5.1)

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
		Certain Operating Conditions - Shall not exceed 30%		Baghouse Maintenance and Operation	See Condition 19
RACT – VOC	5.9	Process Design		Certification	Annually
NSPS Subpart F Opacity	5.10	Less than 10%		Method 22	Monthly to Annually
CAM	5.11	See Condition 23			
MACT Requirements	5.12			See 40 CFR Part 63 Subpart LLL (Condition 22)	
		Total Organic HAP – 12 ppmvd ¹		Performance Test THC CPMS	Every 30 Months 30-Day Rolling Average
		O & M Plan Requirements		See Conditions 22.10 and 22.11.	
Regional Haze Requirements	5.13	NO _x - 13.9 tons/year SO ₂ - 36.7 tons/year		Performance Test Recordkeeping and Calculation	Every Five (5) years Monthly

¹Compliance with the THC limit (24 ppmvd) is provided as an alternative operating scenario in Section I, Condition 5.1.

Compliance Status: P002 - Raw Materials Drying (S005)

Parameter	Limitations	Reported Data
Operating Hours	7000 hrs	4,405hrs
Dryer Feed	1,050,000 tons/yr	579,293 tons
	160 tons/hr	134.59 tons/hr
Natural Gas Fuel	No limit	122,165 mscf
Coal Fuel	1.4 tons/hr	0.0 tons/hr
Dryer Heat Input	210,000 mmBtu/yr	133,912 MMBtu
PM	22.8 tons/yr	6.38 tons
PM ₁₀	22.8 tons/yr	5.36 tons
	6.5 lbs/hr	1.11 lbs/hr
SO ₂	36.7 tons/yr	0.04 tons
NO _x	13.9 tons/yr	4.45 tons
VOC	144.8 tons/yr	20.24 tons

CO	57.3 tons/yr	0.14 tons
Lead	1.6 tons/yr (3200lbs)	0.0002 lbs

Cemex provided the reported data above for the rolling 12-month period ending July 2018. The source conducted oHAP testing 2/23/2018 that showed 7.28 ppmvd, below the 12.0 ppmvd limit.

- 5.1 Annual operating hours shall not exceed the limits listed in the above summary table. (Construction Permit 12BO444-1, revised in accordance with Section I, Condition 1.3 of this permit). Dryer operating hours shall be monitored and recorded monthly. Monthly hours of operation shall be used in a twelve month rolling total to monitor compliance with the annual limitations. Each month a new twelve month rolling total shall be calculated using the previous twelve months data.

Cemex is recording operating hours, feed rates and fuel consumption as required. No exceedances of the permit limits were noted. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 5.2 Annual and hourly feed rates shall not exceed the limits listed in the above summary table (Construction Permit 12BO444-1, revised in accordance with Section I, Condition 1.3 of this permit).). The quantity of feed material to the dryer shall be monitored and recorded monthly. Any information used to determine the monthly quantities of feed material to the dryer shall be maintained and made available to the division upon request. Monthly quantities of feed material to the dryer shall be used in a twelve month rolling total to monitor compliance with the annual limitation. Each month a new twelve month rolling total shall be calculated using the previous twelve months data.

Compliance with the hourly dryer feed limit shall be monitored by dividing the monthly quantities of dryer feed by the hours the dryer operated for that month.

Cemex is recording operating hours, feed rates and fuel consumption as required. No exceedances of the permit limits were noted. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 5.3 The terms and conditions of this permit are based on the dryer using natural gas as the primary fuel. Coal may be used as a backup fuel during emergencies and natural gas curtailments. The Division shall be notified, in writing, within seven (7) calendar days of the start of coal use. Records of the amounts of coal burned and the duration of the combustion must be maintained. (Construction Permit 12BO444-1)

The quantity of coal burned shall be included in monitoring compliance with the heat input limit as specified in Condition 5.4. Compliance with the hourly coal consumption limit shall be determined by dividing the monthly amount of coal burned by the number of hours coal was burned during the month.

Cemex reported that natural gas was the only fuel supply used for the dryer during the inspection period. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 5.4 Dryer heat input shall not exceed the limitation listed in the above summary table. (Construction Permit 12BO444-1) The quantity of fuel burned in the dryer shall be monitored and recorded monthly. Monthly quantities of fuel burned shall be converted to units of MMBtu based on the heat content for each fuel as determined in Condition 5.5. Monthly heat input shall be used in a rolling twelve month total to monitor compliance with the annual limitations. Each month a new twelve month total shall be determined using the previous twelve months' data. Records of the twelve month totals shall be maintained and made available to the Division for inspection upon request.

Cemex is tracking the heat input to the dryer monthly and rolling 12-month total, the heat content of the fuel is provided quarterly, and records reviewed indicate no exceedances of the permit limits. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 5.5 The Btu content of the fuel burned in the dryer shall be determined as follows:
- 5.5.1 The heat content of the natural gas shall be determined semi-annually using ASTM Methods or equivalent if approved in advance by the Division.
- 5.5.2 If coal is used as a fuel, each shipment of coal shall be sampled to determine the heat content and weight percent sulfur, using the appropriate ASTM methods, or equivalent if approved in advance by the Division. In lieu of sampling, vendor data may be used to determine the heat content and weight percent sulfur provided that the sampling and analysis was performed using the appropriate ASTM methods.

Cemex is tracking the heat input to the dryer monthly and rolling 12-month total, the heat content of the fuel is provided quarterly, and records reviewed indicate no exceedances of the permit limits. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

5.6 PM and PM₁₀ emissions shall not exceed the limits listed in the above summary table (Colorado Regulation No. 3, Part E, Section IV.A.2 (for PM) and Construction Permit 12BO444-1 (for PM₁₀)). Compliance with the PM emission limits shall be monitored as follows:

5.6.1 Baghouses shall be operated and maintained in accordance with the requirements in Condition 19.

5.6.2 Within 60 days of the compliance deadline specified in Condition 5.13.2 (April 17, 2014), the owner/operator shall conduct a stack test to measure particulate emissions in accordance with the requirements and procedures set forth in EPA Test Method 5, 5B, 5D or 17, as appropriate, as set forth in 40 CFR Part 60, Appendix A. Stack testing for particulate matter shall be performed annually, except that: (1) if any test results indicate emissions are less than or equal to 50% of the emission limit, another test is required within five years; (2) if any test results indicate emissions are more than 50%, but less than or equal to 75% of the emission limit, another test is required within three years; and (3) if any test results indicate emissions are greater than 75% of the emission limit, an annual test is required until the provisions of (1) or (2) are met. Each test shall consist of three test runs, with each run at least 60 minutes in duration. (Colorado Regulation No. 3, Part E, Section VII.C.3)

The protocol, test notification and submittal of test report shall meet the requirements specified in Condition 21.

Tests shall be performed using natural gas (the primary fuel). However, if coal is used for 45 days or more during any calendar year, stack testing shall be performed according to Condition 21 of this permit. This shall be a one-time test.

For purposes of assessing compliance with the annual emission limitations, the results of the test shall be converted to a lb/hr basis and multiplied by the allowable operating hours in the year (7,000 hrs/yr). Compliance with the daily PM₁₀ emission limit shall be assessed by comparing the lb/hr PM₁₀ emission rate from the test to the limit.

5.6.3 In addition, to the stack tests described above (Condition 5.6.2), compliance with the annual limitations (ton/yr limits) applicable to the CEMEX dryer shall be monitored by calculating emissions monthly using the emission factors (in lb/hr) determined from the most recent Division-approved stack test and hours of operation for the month (see Condition 5). Monthly emissions shall be calculated by the end of the subsequent month and used in a twelve month rolling total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the

previous 12 months' data. (Colorado Regulation No. 3, Part E, Section VII.C.3)

Pollutant	Fuel	Emission Factor	Source
PM ¹	Natural Gas	0.84 lb/hr	May 2013 stack test (natural gas used as fuel)
PM ₁₀ ¹	Natural Gas	0.11 lb/hr	
PM ²	Coal	2.64 lb/hr	1988 stack test (coal used as fuel)
PM ₁₀ ²	Coal	2.64 lb/hr	

¹The emission factors in this table represent the emission factors from the most recent stack test. The permittee shall use emission factors from the most recent stack test to calculate emissions proceeding the test.

²These emission factors shall be used in the event that a stack test is not required for burning coal. If a stack test is conducted for coal burning, emission factors from that test shall be used in lieu of these factors.

Compliance with the hourly PM₁₀ emission limitation shall be monitored by dividing the monthly emissions by the number of hours the dryer operated for that month.

- 5.6.4 In addition to the stack tests described above (Condition 5.6.2), the owner/operator shall monitor compliance with the particulate matter limits in accordance with the applicable compliance assurance monitoring plan developed and approved in accordance with 40 CFR Part 64. (Colorado Regulation No.3, Part E, Section VII.C.3) The compliance assurance monitoring requirements are specified in Condition 5.11 and the compliance assurance monitoring plan is included in Appendix G of this permit.

Cemex is calculating emissions on a monthly and a rolling 12-month total basis as required. No exceedances were noted in the records provided. The source conducted PM and PM10 testing on 2/23/2018 that resulted in new emission factors of 2.35 lbs/hr for PM and 1.11 lbs/hr for PM10. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 5.7 SO₂, NO_x, CO, VOC and lead emissions shall not exceed the limits listed in the above summary table (Construction Permit 12BO444-1). Compliance with the emission limits shall be monitored as follows:

- 5.7.1 Performance testing for lead, sulfur dioxide, nitrogen oxides, carbon monoxide, and volatile organic compounds shall be performed in accordance

with the requirements and procedures set forth in the appropriate EPA Test Methods.

Frequency of testing shall be every thirty (30) months for VOC and every five (5) years for lead, sulfur dioxide, nitrogen oxides and carbon monoxide.

Note that performance tests for SO₂, NO_x, CO, VOC and lead emissions were last conducted in June 2016.

Tests shall be performed under natural gas combustion conditions, however, tests shall be performed under coal combustion conditions if a test as described under Condition 5.6.2 is required (a one-time coal test is required, if applicable).

For purposes of assessing compliance with the annual emission limitations, the results of the tests shall be converted to a lb/hr basis and multiplied by the allowable operating hours in the year (7,000 hrs/yr).

A stack testing protocol shall be submitted for Division approval at least thirty (30) calendar days prior. The test protocol, test, and test report must be in accordance with the requirements of the APCD Compliance Test Manual (<https://www.colorado.gov/pacific/cdphe/inspections-and-enforcement>). A stack testing protocol shall be submitted for Division approval at least forty-five (45) calendar days prior to any performance of the test required under this condition. No stack test required herein shall be performed without prior approval of the protocol by the Division. The Division reserves the right to witness the test. In order to facilitate the Division's ability to make plans to witness the test, notice of the date(s) for the stack test shall be submitted to the Division at least thirty (30) calendar days prior to the test. The Division may for good cause shown, waive this thirty (30) day notice requirement. In instances when a scheduling conflict is presented, the Division shall immediately contact the permittee in order to explore the possibility of making modifications to the stack test schedule. The compliance test results shall be submitted to the Division within forty-five (45) calendar days of the completion of the test unless a longer period is approved by the Division.

5.7.2 Compliance with the annual emission limitations shall be monitored by calculating monthly emissions using the appropriate emission factors specified in the table below and hours of operation.

Pollutant	Fuel	Emission Factor	Source
SO ₂ ¹	Natural Gas	1.66 x 10 ⁻² lb/hr	June 2016 stack test (natural gas used as fuel)
NO _x ¹	Natural Gas	2.02 lb/hr	
CO ¹	Natural Gas	0.658 lb/hr	
VOC ¹	Natural Gas	9.19 lb/hr	
Pb ¹	Natural Gas	9.46 x 10 ⁻⁵ lb/hr	
SO ₂ ²	Coal	1.04 lb/hr	1988 stack test (coal used as fuel)
NO _x ²	Coal	13.68 lb/hr	
CO ²	Coal	19.6 lb/hr	
VOC ²	Coal	1.3 lb/hr	July 2011 stack test (natural gas used as fuel)
Pb ²	Coal	1.8 x 10 ⁻⁴ lb/hr	

¹The emission factors in this table represent the emission factors from the most recent stack test. The permittee shall use emission factors from the most recent stack test to calculate emissions proceeding the test.

²These emission factors shall be used in the event that a stack test is not required for burning coal. If a stack test is conducted for coal burning, emission factors from that test shall be used in lieu of these factors.

Monthly emissions shall be calculated by the end of the subsequent month. Monthly emissions shall be used in a rolling twelve month total to monitor compliance with the annual limitations. Each month a new twelve month rolling total shall be calculated using the previous twelve months' data.

- 5.7.3 Upon the compliance deadline for the NO_x and SO₂ emission limitations in Conditions 5.13.1.1 and 5.13.1.2 (Regional Haze NO_x and SO₂ limits), compliance with the NO_x and SO₂ emission limitation in Condition 5.7 shall, in the absence of credible evidence to the contrary, be presumed as long as the monitoring conducted in accordance with the requirements in Condition 5.13.3 (Regional Haze NO_x and SO₂ monitoring) indicates compliance with the PM emission limitations in Conditions 5.13.1.1 and 5.13.1.2 (Regional Haze NO_x and SO₂ limits).

Cemex performed the previous stack test for lead, sulfur dioxide, nitrogen oxides, carbon monoxide, and volatile organic compounds on 6/14/2016. A VOC test will be required by 12/14/2018 and lead, sulfur dioxide, nitrogen oxides and carbon monoxide testing will be required by 6/14/2021. Cemex is calculating emissions on a monthly and a rolling 12-month total basis as required. No exceedances were noted in the records provided during the inspection. In the

absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

5.8 These sources are subject to the opacity limits set forth in Condition 20 of this permit.

The raw materials dryer is meeting the opacity requirements outlined in Condition 20. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

5.9 This source shall utilize Reasonably Available Control Technology (RACT) for VOC emissions (Colorado Regulation No. 7, I.C). Operation of this dryer as designed represents RACT. Any modification of the design shall require a new RACT determination and modification or reopening of this permit.

No modifications have been made to the dryer's operation or design. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

5.10 On and after the date on which the performance test required to be conducted by §60.8 is completed, you may not discharge into the atmosphere from any affected facility other than the kiln and clinker cooler any gases which exhibit 10 percent opacity, or greater. (40 CFR Part 60 Subpart F § 60.42(c))

Any sources other than kilns (including associated alkali bypass and clinker cooler) that are subject to the 10 percent opacity limit must follow the appropriate monitoring procedures in §63.1350(f) (Condition 22.33), (m)(1) through (4), (10) and (11), (o), and (p) of this chapter. (CFR Part 60 Subpart F § 60.64(b)(3))

See Condition 22.

5.11 This source is subject to the CAM requirements set forth in Condition 23 of this permit.

See Condition 23.

- 5.12 This source is subject to the requirements in 40 CFR Part 63 Subpart LLL as set forth in Condition 22 of this permit.

Specifically the dryer is subject to the organic HAP and work practice requirements in §63.1243(b) (Condition 22.4) and the operation and maintenance plan requirements, as well as any testing, monitoring, recordkeeping and reporting that apply to those requirements.

Note that the opacity requirement in 40 CFR Part 60 Subpart F (Condition 5.10) that applies to the dryer is more stringent than the opacity limit in 40 CFR Part 63 Subpart LLL (§ 63.1345, Condition 22.6), so as provided for in § 63.1356 (Condition 22.62), the dryer does not have to comply with the opacity requirement in § 63.1345. The opacity requirement in § 63.1345 is included in the permit shield for streamlined conditions (Section III.3) of this permit with respect to the dryer.

See Condition 22.

- 5.13 The dryer is subject to the following Regional Haze Requirements:

5.13.1 Emission Limitations (Colorado Regulation No. 3, Part G, Section VI.A.2)

5.13.1.1 NO_x emissions shall not exceed 13.9 tons/year.

5.13.1.2 SO₂ emissions shall not exceed 36.7 tons/year.

5.13.2 Compliance Date

5.13.2.1 The permittee must comply with the above limits and averaging times as expeditiously as practicable, but in no event later than five years after EPA approval of Colorado's state implementation plan for regional haze, or relevant component thereof. The permittee must maintain control equipment or operational practices required to comply with the above limits and averaging times, and establish procedures to ensure that such equipment or operational practices are properly operated and maintained. (Colorado Regulation No. 3, Part F, Section IV.A.3)

5.13.2.2 The permittee shall submit to the Division a proposed compliance schedule within sixty days after EPA approves the BART portion of the Regional Haze SIP. The Division shall publish these proposed schedules and provide for a thirty-day public comment period following publication. The Division shall publish its final determinations regarding the proposed schedules for compliance

within sixty days after the close of the public comment period and will respond to all public comments received. (Colorado Regulation No. 3, Part F, Section IV.A.4)

The Division issued a determination on October 1, 2013 which specified the following compliance dates:

- a. NO_x – July 1, 2017
- b. SO₂ – July 1, 2017
- c. PM - April 17, 2014 (note that the PM emission limit is included in Condition 5.6)

5.13.3 SO₂ and NO_x Monitoring Requirements.

5.13.3.1 Unless performance tests were completed within the previous 6 months, within 60 days of the compliance deadline specified in Regulation Number 3, Part F Section VI.A.3 (See Condition 5.13.2.2), the owner/operator shall conduct a stack test to measure NO_x and SO₂ emissions in accordance with the appropriate EPA test methods. Frequency of testing thereafter shall be every five years. Each test shall consist of three test runs, with each run at least 60 minutes in duration. (Colorado Regulation No. 3, Part F, Section VI.B.2.b)

For purposes of assessing compliance with the annual emission limitations, the results of the tests shall be converted to a lb/hr basis and multiplied by the allowable operating hours in the year (7,000 hrs/yr).

The requirements for the test protocol, notification and report specified in Condition 5.7.1 shall be met.

5.13.3.2 In addition to the stack tests described above, compliance with the annual NO_x and SO₂ limits shall be monitored by calculating emissions monthly using the emission factors (in lb/hr) determined from the most recent Division-approved stack test and hours of operation for the month. Monthly emissions shall be calculated by the end of the subsequent month and used in a twelve month rolling total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous 12 months' data. (Colorado Regulation No. 3, Part F, Section VI.B.2 and VI.B.2.b)

The source maintains records of emissions on a 12-month rolling total basis. The source is using the emission factors identified in 5.7.2. The reported rolling 12 month total production is in the table above. NO_x & SO₂ testing was required to be completed between 1/1/2017 and 8/30/2017. The most recent testing of NO_x & SO₂ from the materials dryer was completed 6/14/2016. It should be noted that the source provided a Regional Haze Final Determination letter dated

10/1/2013 from the Division's SIP Development Supervisor. The Final Determination response letter from the Division identifies the testing deadline for NOx and SO2 stack tests to "demonstrate compliance" on the "Dryer no later than July 1, 2017". In response to this letter and in effort to meet the RH deadline requirements, CEMEX submitted a Division-accepted protocol and conducted compliance NOx and SO2 emissions testing on June 14, 2016, which was observed by the Division. The source failed to complete testing of NOX & SO2 from the materials dryer between 1/1/2017 and 8/30/2017. Enforcement discretion is recommended for this issue because the source was taking action based on the Final Determination response letter from the Division's SIP Development Supervisor and because the testing was completed only about 6.5 months early. This was not reported on the SAR because the source was operating under the notion that the 6/14/2016 test satisfied this condition. (Not In Compliance)

6. P003 - Secondary Crushing

AIRS pt 003: Secondary Crushing and Screening (vents to S001) and S003 - #4 Belt Transfer

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Process Rate	6.1			Recordkeeping	Annually
PM & PM ₁₀	6.2		PM & PM ₁₀ : Screening and Crushing: 0.00031 lb/ton Silo and Belt Transfer: 2.9 x 10 ⁻⁵ lb/ton (each baghouse)	Recordkeeping and Calculation	Annually
PM	6.3	See Condition 6.3		Baghouse Maintenance and Operation	See Condition 19
Opacity	6.4	Shall not exceed 20%, except as provided for below		Visible Emission Observation Method 9 Baghouse Maintenance and Operation	Daily If Required (See Conditions 16.1.1.2 and 20.5.1) See Condition 19
		Certain Operating Conditions - Shall not exceed 30%, for a period or periods aggregating more than six (6) minutes in any 60 consecutive minutes			

**Compliance Status: P003 - Secondary Crushing
S001 - Crusher and Screen
S003 - #4 Belt Transfer**

Parameter		Limitations	Reported Data
Material Throughput		No limit	579,293 tons
Screening & Crushing	PM	No limit	0.09 tons

	PM ₁₀	No limit	0.09 tons
Silo & Belt Transfer	PM	No limit	0.008 tons
	PM ₁₀	No limit	0.008 tons

Cemex provided the reported data above for the rolling 12-month period ending July 2018. The emissions calculations for PM and PM₁₀ are based on the emission factors stated in the permit and the actual material throughput.

- 6.1 Raw materials processed through these sources shall be monitored and recorded annually. Any information used to determine the annual quantity of materials processed shall be maintained and made available to the Division upon request.

Cemex is tracking raw material throughput on a monthly and annual basis, as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 6.2 Annual emissions for purposes of APEN reporting and the payment of annual fees shall be estimated using the annual raw materials processed, as required by Condition 6.1, and the emission factor listed in the above summary table (AP-42, Section 11.6, dated January 1995, Table 11.6-4) in the following equation:

$$\text{Tons/yr} = \frac{[\text{EF (lb/ton)} \times \text{annual material processed (ton/yr)}]}{2000 \text{ lb/ton}}$$

The emission factors included in the above summary table account for baghouse control.

Cemex is using the correct emission factor to calculate PM and PM₁₀ emission from the Secondary Crusher activities on a monthly and annual basis as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 6.3 No owner or operator of a manufacturing process unit shall cause or permit emission of any particulate matter into the atmosphere during any consecutive sixty minute period which is in excess of the following (Colorado Regulation No. 1, III.C.1):

- 6.3.1 For process equipment having design rates of greater than 30 tons per hour, the allowable emission rate shall be determined by the use of the equation (Colorado Regulation No. 1, III.C.1.b):

$$E = 17.31 (P)^{0.16}$$

Where:

E is the allowable particulate emissions in lbs/hr.

P is the process weight rate in tons/hr

In absence of evidence to the contrary, compliance with the PM limit is presumed provided the baghouses are operated and maintained in accordance with the requirements specified in Condition 19.

The baghouses are operated and maintained in accordance with the requirements in Condition 19. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

6.4 These sources are subject to the opacity limits set forth in Condition 20 of this permit.

Wind speed and equipment shut down records are maintained onsite. This point is meeting the opacity requirements outlined in Condition 20. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

7.

P004 - Raw Material Storage Silos

AIRs pt 004: S006 through S008 - Raw Materials Storage Silos

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Process Rate	7.1			Recordkeeping	Annually
PM & PM ₁₀	7.2		PM & PM ₁₀ : 2.9 x 10 ⁻⁵ lb/ton (for each baghouse stack)	Recordkeeping and Calculation	Annually
PM	7.3	See Condition 7.3		Baghouse Maintenance and Operation	See Condition 19

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Opacity	7.4	Shall not exceed 20%, except as provided for below		Visible Emission Observation Method 9	Daily If Required (See Conditions 16.1.1.2 and 20.5.1) See Condition 19
		Certain Operating Conditions - Shall not exceed 30%, for a period or periods aggregating more than six (6) minutes in any 60 consecutive minutes		Baghouse Maintenance and Operation	
MACT Requirements	7.5			See 40 CFR Part 63 Subpart LLL (Condition 22)	
		Opacity Shall Not Exceed 10%		Method 22	Monthly to Annually
		O & M Plan Requirements		See Conditions 22.10 and 22.11	

**Compliance Status: P004 - Raw Materials Storage
S006 through S008 - Raw Materials Storage Silos**

Parameter		Limitations	Reported Data
Material Throughput		No limit	579,293 tons
Raw Material Storage (S006, S007, S008)	PM	No limit	0.002 tons
	PM ₁₀	No limit	0.002 tons

Cemex provided the reported material throughput data above for the rolling 12-month period ending July 2018. Particulate emissions are calculated on a monthly and annual basis as required. The emissions calculations for PM and PM₁₀ are based on the emission factors stated in the permit and the actual material throughput.

- 7.1 Raw materials processed through these sources shall be monitored and recorded annually. Any information used to determine the annual quantity of materials process shall be maintained and made available to the Division upon request.

Cemex is tracking raw material throughput on a monthly and annual basis, as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 7.2 Annual emissions for purposes of APEN reporting and the payment of annual fees shall be estimated using the annual raw materials processed, as required by Condition 7.1, and the emission factors listed in the above summary table (AP-42, Section 11.6, dated January 1995, Table 11.6-4) in the following equation:

$$\text{Tons/yr} = \frac{[\text{EF (lb/ton)} \times \text{annual material processed (tons/yr)}]}{2000 \text{ tons/yr}}$$

The emission factors included in the above summary table account for baghouse control.

Cemex is using the correct emission factor to calculate PM and PM₁₀ emission from the Raw Material Storage areas on a monthly and annual basis as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 7.3 No owner or operator of a manufacturing process unit shall cause or permit emission of any particulate matter into the atmosphere during any consecutive sixty minute period which is in excess of the following (Colorado Regulation No. 1, III.C.1):

- 7.3.1 For process equipment having design rates of greater than 30 tons per hour, the allowable emission rate shall be determined by the use of the equation (Colorado Regulation No. 1, III.C.1.b):

$$E = 17.31 (P)^{0.16}$$

Where:

E is the allowable particulate emissions in lbs/hr.

P is the process weight rate in tons/hr

In absence of evidence to the contrary, compliance with the PM limit is presumed provided the baghouses are operated and maintained in accordance with the requirements specified in Condition 19.

The baghouses are operated and maintained in accordance with the requirements in Condition 19. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

7.4 These sources are subject to the opacity limits set forth in Condition 20 of this permit.

This point is meeting the opacity requirements outlined in Condition 20. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

7.5 These sources are subject to the requirements in 40 CFR Part 63 Subpart LLL as set forth in Condition 22 of this permit.

See Condition 22.

8.

P005 - Raw Material Grinding

AIRs pt 005: S010 - Raw Material Grinding, S011 – Raw Material Separator, S012 – Raw Mill Feeders and S013 - Iron/Silica Silo

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Process Rate	8.1			Recordkeeping	Annually
PM & PM ₁₀	8.2		PM & PM ₁₀ : S010 - 0.012 lb/ton S011 - 0.032 lb/ton S012 - 0.019 lb/ton S013 - 0.0031 lb/ton	Recordkeeping and Calculation	Annually

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
PM	8.3	See Condition 8.3		Baghouse Maintenance and Operation	See Condition 19
Opacity	8.4	Shall not exceed 20%, except as provided for below		Visible Emission Observation Method 9	Daily If Required (See Conditions 16.1.1.2 and 20.5.1) See Condition 19
		Certain Operating Conditions – Shall not exceed 30%		Baghouse Maintenance and Operation	
MACT Requirements	8.5			See 40 CFR Part 63 Subpart LLL (Condition 22)	
		Opacity Shall Not Exceed 10%		Method 22	S010 & S011 Daily S012 & S013 Monthly to Annually
		O & M Plan Requirements		See Conditions 22.10 and 22.11	
CAM	8.6	See Condition 23 (S010, S011 & S012 only)			

Compliance Status: P005 - Raw Mill Grinding
S010 - Raw Mill
S011 - Raw Mill Auxiliary (Separator)
S012 - Raw Mill Weigh Feeder
S013 - Iron/Silica Silo

Parameter		Limit	Reported Data
Process Rate		No limit	570,696 tons
S010	PM	No limit	3.42 tons
	PM ₁₀	No limit	3.08 tons
S011	PM	No limit	9.13 tons
	PM ₁₀	No limit	9.13 tons
S012	PM	No limit	5.42 tons
	PM ₁₀	No limit	5.42 tons
S013	PM	No limit	0.04 tons
	PM ₁₀	No limit	0.04 tons

Cemex provided the Reported Data above for the rolling 12-month period ending July 2018. The emissions calculations for PM and PM₁₀ are based on the emission factors stated in the permit and the actual material throughput.

- 8.1 Raw material processed through these sources shall be monitored and recorded annually. Any information used to determine the annual quantity of materials processed shall be maintained and made available to the Division upon request.

Cemex is tracking raw material throughput on a monthly and annual basis, as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 8.2 Annual emissions for purposes of APEN reporting and the payment of annual fees shall be estimated using the annual raw materials processed, as required by Condition 8.1, and the emission factors listed the above summary table (AP-42, Section 11.6, January 1995, Table 11.6-4), in the following equation:

$$\text{Tons/yr} = \frac{[\text{EF (lb/ton)} \times \text{annual material processed (ton/yr)}]}{2000 \text{ lb/ton}}$$

The emissions factors included in the above summary table account for baghouse control.

Cemex is using the correct emission factor to calculate PM and PM₁₀ emission from the Raw Mill point sources S010, S011, S012, and S013 on a monthly and annual basis as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 8.3 no owner or operator of a manufacturing process unit shall cause or permit emission of any particulate matter into the atmosphere during any consecutive sixty minute period which is in excess of the following (Colorado Regulation No. 1, III.C.1):

- 8.3.1 For process equipment having design rates of greater than 30 tons per hour, the allowable emission rate shall be determined by use of the equation (Colorado Regulation No. 1, III.C.1.b):

$$E = 17.31 (P)^{0.16}$$

Where:

E is the allowable particulate emissions in lbs/hr.

P is the process weight rate in tons/hr

In absence of evidence to the contrary, compliance with the PM limit is presumed provided the baghouses are operated and maintained in accordance with the requirements specified in Condition 19.

The baghouses are operated and maintained in accordance with the requirements in Condition 19. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

8.4 These sources are subject to the opacity limits set forth in Condition 20 of this permit.

This point is meeting the opacity requirements outlined in Condition 20. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

8.5 These sources are subject to the requirements in 40 CFR Part 63 Subpart LLL as set forth in Condition 22 of this permit.

See Condition 22.

8.6 The following sources are subject to the CAM requirements set forth in Condition 23 of this permit: S010, S011 and S012.

See Condition 23.

9. P006 - Homogenizing and Blending

AIR pt 006: S014 - Homogenizing Silo and S015 Kiln Feed Silo

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Process Rate	9.1			Recordkeeping	Annually
PM & PM ₁₀	9.2		PM & PM ₁₀ : 2.9 x 10 ⁻⁵ lb/ton (for each baghouse stack)	Recordkeeping and Calculation	Annually
PM	9.3	See Condition 9.3		Baghouse Maintenance and Operation	See Condition 19
Opacity	9.4	Shall not exceed 20%, except as provided for below		Visible Emission Observation Method 9	Daily If Required (See Conditions 16.1.1.2 and 20.5.1) See Condition 19
		Certain Operating Conditions - Shall not exceed 30%, for a period or periods aggregating more than six (6) minutes in any 60 consecutive minutes		Baghouse Maintenance and Operation	
MACT Requirements	9.5			See 40 CFR Part 63 Subpart LLL (Condition 22)	
		Opacity Shall Not Exceed 10%		Method 22	Monthly to Annually
		O & M Plan Requirements		See Conditions 22.10 and 22.11	

**Compliance Status: P006 - Homogenizing and Blending
S014 - Homogenizing Silo**

S015 - Kiln Feed Silo

Parameter		Limit	Reported Data
Process Rate		No limit	570,696 tons
S014	PM	No limit	0.008 tons
	PM ₁₀	No limit	0.008 tons
S015	PM	No limit	0.008 tons
	PM ₁₀	No limit	0.008 tons

Cemex provided the Reported Data above for the rolling 12-month period ending July 2018. The emissions calculations for PM and PM₁₀ are based on the emission factors stated in the permit and the actual material throughput.

- 9.1 Material processed through these sources shall be monitored and recorded annually. Any information used to determine the annual quantity of materials processed shall be maintained and made available to the Division upon request.

Cemex is tracking raw material throughput on a monthly and annual basis, as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 9.2 Annual emissions for purposes of APEN reporting and the payment of annual fees, shall be estimated using the annual materials processed, as required by Condition 9.1, and the emission factors listed in the above summary table (AP-42, Section 11.6, dated January 1995, Table 11.6-4), in the following equation:

$$\text{Tons/mo} = \frac{[\text{EF (lb/ton)} \times \text{annual material processed (tons/yr)}]}{2000 \text{ lb/ton}}$$

The emission factors included in the above summary table account for baghouse control.

Cemex is using the correct emission factor to calculate PM and PM₁₀ emission from the Homogenizing and Blending silos on a monthly and annual basis as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 9.3 No owner or operator of a manufacturing process unit shall cause or permit emission of any particulate matter into the atmosphere during any consecutive sixty minute period which is in excess of the following (Colorado Regulation No. 1, III.C.1):

- 9.3.1 For process equipment having design rates of greater than 30 tons per hour, the allowable emission rate shall be determined by use of the equation (Colorado Regulation No. 1, III.C.1.b):

$$E = 17.31 (P)^{0.16}$$

Where:

E is the allowable particulate emissions in lbs/hr.

P is the process weight rate in tons/hr

In absence of evidence to the contrary, compliance with the PM limit is presumed provided the baghouses are operated and maintained in accordance with the requirements specified in Condition 19.

The baghouses are operated and maintained in accordance with the requirements in Condition 19. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 9.4 These sources are subject to the opacity limits set forth in Condition 20 of this permit.

This point is meeting the opacity requirements outlined in Condition 20. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 9.5 These sources are subject to the requirements in 40 CFR Part 63 Subpart LLL as set forth in Condition 22 of this permit.

See Condition 22.

10. P007- Kiln Burning and P008 – Clinker Cooling and Transfer to Storage for Finish Mill

AIRs pt 007 (P007): S016 – Precalciner Kiln

AIRs pt 008 (P008): S017 – Clinker Drag Chains, S018 - Clinker Cooler, S023 Drag Conveyor, S024B – Outside Clinker Drop Hood

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Kiln Feed Rate & Clinker Production Rate	10.1			Recordkeeping	Daily
Operating Hours	10.2	8,064 hours/year		Recordkeeping	Daily and Monthly
Kiln Feed Rate	10.3	120 tons/hour 967,680 tons/year (dry basis)		Recordkeeping	Daily and Monthly
Kiln Fuel	10.4	Natural Gas: 2,438 MMscf/yr Coal: 113,945 tons/yr Tire-Derived Fuel (Whole or Shredded Tires): 18,400 tons/yr Petroleum Coke/Coal Blend: 10,000 tons/yr Blend not to exceed 10% petroleum coke and petroleum coke not to exceed 2% sulfur by weight The use of any other fuel requires Division approval		Recordkeeping	Daily and Monthly
PM & PM ₁₀ – Kiln	10.5	133 ton/year	See Condition 10.5	Performance Test Recordkeeping and Calculation	Annually Monthly

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
				Baghouse Operation and Maintenance	See Condition 19
PM & PM ₁₀ – P008	10.6		S018: performance test S024B, S017 & S023: 0.0024 lb/ton (for each baghouse stack)	Recordkeeping and Calculation	Annually
PM – S017, S023 & S024B	10.7	See Condition 10.7		Baghouse Operation and Maintenance	See Condition 19
Provisions for Using Tire-Derived Fuel in Kiln	10.8			See Condition 10.8	
Opacity	10.9	Shall not exceed 20%, except as provided for below		Continuous Opacity Monitoring System Method 9	Continuously
		Certain Operating Conditions - Shall not exceed 30%			During Each Spray Tower Blasting Event
NO _x – Kiln	10.10	2649.0 tons/year		Continuous Emission Monitoring System	Continuously
		1.85 lb/ton clinker, on a 30-day rolling average			
CO – Kiln	10.11	396.0 tons/year			
SO ₂ - Kiln	10.12	1340 tons/year			
SO ₂	10.13	Facility Wide Limit: 7 lbs/ton of material		See Condition 10.13	Daily
VOC - Kiln	10.14	138 tons/year	Stack Test	Performance Test Recordkeeping and Calculation	Annually Monthly

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Continuous Emission Monitoring Requirements	10.15			See Condition 10.15	
Lead - Kiln	10.16	4.4 tons/year	See Condition 10.16	Performance Test Recordkeeping and Calculation	Every Five (5) Years Monthly
RACT – VOC	10.17	Process Design		Certification	Annually
MACT Standards	10.18			See 40 CFR Part 63 Subpart LLL (Condition 22)	
		O & M Plan Requirements		See Conditions 22.10 and 22.11	
		Kiln: PM – 0.07 lb/ton clinker		Performance Test PM CPMS	Annually 30-Day Rolling Average
		D/F – 0.2 ng/dscm (TEQ), corrected to 7% O ₂		Performance Test Temperature at Baghouse Inlet	Every 30 Months 3-Hour Rolling Average
		Mercury (Hg) – 55 lb/MM tons clinker		Sorbent Trap System ²	30-Day Rolling Average
		THC – 24 ppmvd, corrected to 7% O ₂ ¹		THC CEMS	30-Day Rolling Average
		HCl – 3 ppmvd, corrected to 7% O ₂		Performance Test SO ₂ CEMS ²	Every 30 Monthlys 30-Day Rolling Average
		Clinker Cooler: PM – 0.07 lb/ton clinker		Performance Test PM CPMS	Annually 30-Day Rolling Average
CAM	10.19	See Condition 23 (kiln (P007/S016) only)			
SNCR Operating Requirements	10.20			See Condition 10.20	

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Prohibition on Netting Credits or Offsets from Required Controls	10.21			See Condition 10.21	
Regional Haze Requirements	10.22	<p>Kiln: Opacity shall not exceed 20%. NO_x – 255.3 lbs/hr, on a 30-day rolling average and 901.0 tons/year SO₂ – 25.3 lbs/hr, on a 12-month rolling average and 95 tons/yr</p>		COMS, CEMS	Continuous

¹Compliance with the total organic HAP limit (12 ppmvd) is provided as an alternative operating scenario in Section I, Condition 5.3.

²40 CFR Part 63 Subpart LLL provides alternative monitoring options in lieu of those included in the permit, specifically: for Hg, Hg CEMS, for HCl, HCl CEMS or a sorbent monitoring system. Use of these alternatives requires the installation and certification of the appropriate monitoring system and a permit modification to include the appropriate requirements in the permit. The modification application may be processed as a minor modification using the procedures in Colorado Regulation No. 3, Part C, Section X.

**Compliance Status: P007- Kiln, Calciner (S016)
P008 - Clinker Cooler (S018)**

Parameter		Limitations	Reported Data
Clinker Production		No limit	355,435 tons
Operating Hours		8,064 hrs/yr	6,352 hrs
Kiln Feed Rate		120 tons/hr	86.91 tons/hr
		967,680 tons/yr	566,401 tons
Fuel	Natural Gas	2,438 Mmscf/yr	1,347 Mmscf
	Coal	113,945 tons/yr	27,318 tons
PM from Kiln		133 tons/yr	5.29 tons
PM ₁₀ from Kiln		133 tons/yr	5.29 tons
NO _x		2649.0 tons/yr	279.60 tons
NO _x (Regional Haze)		901.0 tons/yr	

CO	396.0 tons/yr	255.14 tons
SO ₂	1340.0 tons/yr	12.52 tons
SO ₂ Facility Wide Limit	7.0 lbs/ton material	3.628 (7/20/2017)
SO ₂ (Regional Haze)	95 tons/yr	12.52 tons
VOC	138.0 tons/yr	1.13 tons/yr
HCl	No limit	6.77 tons/yr
Lead	4.4 tons/yr	0.00148 tons/yr

Cemex provided the Reported Data above for the rolling 12-month period ending July 2018. The emissions calculations are based on the continuous emission monitoring systems and emission factors derived from stack tests and stated in the permit.

- 10.1 The permittee shall record the daily production rates and kiln feed rates (Construction Permit 12BO444-2).

Cemex is recording the daily production rates, kiln feed rates, raw material consumption and clinker production rates. The daily production rates are compiled into monthly and annual records as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 10.2 Annual (calendar year) operating hours shall not exceed 8,064 (Construction Permit 12BO444-2). The permittee shall monitor and record hours of operation daily (Construction Permit 12BO444-2). Daily hours of operation shall be summed to determine monthly hours of operation. Monthly hours of operation shall be used to monitor compliance with the annual limitation.

Cemex is tracking operating hours daily and maintaining monthly and annual records as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 10.3 Kiln feed rate shall not exceed 120 tons/hour and 967,680 tons/year (dry basis). (Construction Permit 12BO444-2, as modified under the provisions of Section I, Condition 1.3 to increase the annual limitation.) Daily quantities of the kiln feed shall be summed to determine monthly quantities of kiln feed. Monthly quantities of kiln feed shall be used in a rolling twelve month total to monitor compliance with the annual limitations. Each month a new twelve month rolling total shall be calculated using the previous twelve months' data.

Compliance with the hourly kiln feed rate shall be determined by dividing the daily kiln feed rate, as recorded under Condition 10.1, by the daily hours of operation, as recorded under Condition 10.2.

Cemex is tracking operating hours and the kiln feed rate as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 10.4 The Construction Permit was issued based on permitted fuels consisting of natural gas, coal, and/or tire derived fuel (TDF). The use of petroleum coke is incorporated directly into this operating permit according to Section I, Condition 1.3 of this permit. No other fuels shall be used without prior approval from the Division.

Kiln fuel consumption shall not exceed the limitations listed in the above summary table (Construction Permit 12BO444-2). Records of the amount of each type of fuel shall be monitored and recorded daily. (Construction Permit 12BO444-2) Daily quantities of each type of fuel shall be summed to determine monthly quantities of fuel. Monthly quantities of each type of fuel shall be used in a rolling twelve month total to monitor compliance with the annual limitations. Each month new twelve month totals shall be calculated using the previous twelve months' data.

Cemex uses both coal and natural gas as fuel sources in the kiln and has incorporating used tires as an alternative fuel source. No TDF or pet coke has been burned in the kiln since before March 2008. Cemex tracks kiln fuel consumption and kiln feed rates on an hourly, daily, monthly and rolling 12-month total basis, as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

The permittee shall provide the Division written notice at least sixty (60) calendar days prior to the commencement of burning TDF in the kiln.

No tire derived fuels (TDF) or petroleum coke/coal blends have been used during the inspection period. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

A petroleum coke/coal blend containing no more than 10% petroleum coke may be used. The sulfur content of the petroleum coke used shall not exceed 2% by weight. The sulfur content of the petroleum coke used in the blend shall be determined by sampling and analyzing each shipment of petroleum coke, using the appropriate ASTM methods or

equivalent, if approved in advance by the Division. In lieu of sampling, vendor data may be used to determine the weight percent sulfur provided that sampling and analysis was performed using the appropriate ASTM methods.

No tire derived fuels (TDF) or petroleum coke/coal blends have been used during the inspection period. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 10.5 Emissions of PM and PM₁₀ **from the kiln (P007)** shall not exceed the limits listed in the above summary table. (Construction Permit 12BO444-2). Compliance with the PM and PM₁₀ limits shall be monitored as follows:
 - 10.5.1 Compliance with the annual emission limits shall be assessed during the annual performance tests required by 40 CFR Part 63 Subpart LLL (Condition 22). The emission factor (in lb/ton clinker) determined from the performance test shall be used to calculate emissions as required by Condition 10.5.2.
 - 10.5.2 Monthly emissions shall be calculated by the end of the subsequent month using the emission factors from the most recent performance test (assumes PM = PM₁₀) and the monthly quantity of clinker produced. Monthly emissions shall be used in a rolling twelve month total to monitor compliance with the annual emission imitations. Each month a new twelve month total will be calculated using the previous twelve months data.
 - 10.5.3 Baghouses shall be operated and maintained in accordance with the requirements in Condition 19

Cemex conducts annual performance tests on the kiln and uses the emission factors from the most recent performance test to calculate emissions as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 10.6 Annual emissions of PM and PM₁₀ **from emission group P008 (Clinker Cooling and Transfer to Storage for Finish Mill)** shall be calculated for the purposes of APEN reporting and the payment of fees, as follows:
 - 10.6.1 Annual emissions from the clinker cooler (S018) shall be calculated using the PM and PM₁₀ emission factors (in lbs/ton clinker) from the most recent performance test (assumes PM = PM₁₀) conducted on the clinker cooler as required by 40 CFR Part 63 Subpart LLL (Condition 22) and the annual quantity of clinker produced.

- 10.6.2 Annual PM and PM₁₀ emissions from the remaining emission units (S024B, S017 and S023) within P008 shall be calculated using the emission factors specified in the above summary table (AP-42, Section 11.6 (dated 1/95), Table 11.6-4) and the annual quantity of clinker produced.

Cemex is calculating PM and PM₁₀ emissions from the clinker cooler using the appropriate emission factors as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 10.7 **For S024B, S017 and S023:** no owner or operator of a manufacturing process unit shall cause or permit emission of any particulate matter into the atmosphere during any consecutive sixty minute period which is in excess of the following (Colorado Regulation No. 1, III.C.1):

- 10.7.1 For process equipment having design rates of greater than 30 tons per hour, the allowable emission rate shall be determined by use of the equation (Colorado Regulation No. 1, III.C.1.b):

$$E = 17.31 (P)^{0.16}$$

Where:

E is the allowable particulate emissions in lbs/hr.

P is the process weight rate in tons/hr

In absence of evidence to the contrary, compliance with the PM limit is presumed provided the baghouses are operated and maintained in accordance with the requirements specified in Condition 19.

The baghouses are operated and maintained in accordance with the requirements in Condition 19. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 10.8 The following requirements apply when TDF is used as fuel in the kiln:

- 10.8.1 Performance tests shall be conducted as follows:

10.8.1.1 Performance tests shall be conducted within forty five (45) days of commencing burning of TDF in the kiln, provided the requirements in Condition 10.8.1.2 are met.

10.8.1.2 If the burning of TDF fuel does not occur for 45 days or more

during a rolling twelve month period, no stack testing is required. The 45 days is the total number of days that TDF is burned in the kiln. If TDF is burned in the kiln only part of a day, that day counts towards the 45 day total.

- 10.8.1.3 Performance tests shall be conducted for VOC in accordance with the requirements in Condition 10.14.1 and for lead in accordance with the requirements in Condition 10.16.1.
- 10.8.1.4 A performance test shall be conducted to verify compliance with the dioxin-furan limit in 40 CFR Part 63 Subpart LLL (Condition 22) using the appropriate EPA Test Methods and the procedures in 40 CFR Part 63 Subpart LLL (Condition 22). The protocol, test notification and submittal of test report shall meet the requirements specified in Condition 10.14.1.
- 10.8.1.5 If TDF burned for more than 20% of the total plant operating hours during the five year term of this permit, an additional stack test shall be required during the term of the renewal permit. Such test shall be conducted within 45 calendar days of achieving the 20% of total plant operating threshold.

- 10.8.2 Scrap tires that are not discarded and are managed under the oversight of established tire collection programs, including tires removed from vehicles and off-specification tires are not solid wastes when used as a fuel (40 CFR Part 241 § 241.4(a)(1)). The TDF used as fuel in the kiln shall meet the requirements in this Condition 10.8.2 or the kiln will be subject to the requirements in 40 CFR Part 60 Subpart DDDD, “Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units”.

No tire derived fuels (TDF) have been used during the inspection period. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 10.9 These sources are subject to the following opacity requirements:

- 10.9.1 Except as provided in Condition 10.9.2, below, no owner or operator of a source shall allow or cause the emission into the atmosphere of any air pollutant which is in excess of 20% opacity. This standard is based on 24 consecutive opacity readings taken at 15-second intervals for six minutes. The approved reference test method for visible emissions measurement is EPA Method 9 (40 CFR Part 60, Appendix A (July, 1992)) in all subsections of Section II.A of Regulation No. 1. (Colorado Regulation No. 1, II.A.1).

10.9.2 No owner or operator of a source shall allow or cause to be emitted into the atmosphere any air pollutant resulting from the building of a new fire, cleaning of fire boxes, soot blowing, start-up, any process modification, or adjustment or occasional cleaning of control equipment, which is in excess of 30% opacity for a period or periods aggregating more than six minutes in any sixty consecutive minutes (Colorado Regulation No. 1, Section II.A.4).

Compliance with this opacity limits shall be monitored as follows:

10.9.3 For **the kiln (P007)** compliance with the opacity limits in Conditions 10.9.1 and 10.9.2 shall be monitored using the continuous opacity monitor system (COMS) required by Conditions 10.15.1 and 10.22.4.1.

10.9.4 For **clinker cooler (S018)** compliance with the opacity limits in Conditions 10.9.1 and 10.9.2 shall be monitored using the continuous opacity monitor system (COMS) required by Condition 10.15.2.

10.9.5 For the **other sources included in emission group P008**, compliance with the opacity limits in Conditions 10.9.1 and 10.9.2 shall be monitored as required by Condition 20.

10.9.6 For **the kiln (P007)** compliance with the opacity limit in Condition 10.9.1 **during each dynamite spray tower blasting event** shall be monitored as follows:

10.9.6.1 A visual emission observation shall be conducted in accordance with EPA Method 9.

10.9.6.2 Subject to the provisions of C.R.S. 25-7-123.1 and in the absence of credible evidence to the contrary, exceedance of the limit shall be considered to exist from the time a Method 9 reading is taken that shows an exceedance of the opacity limit until a Method 9 reading is taken that shows the opacity is less than the opacity limit.

10.9.6.3 All Method 9 opacity observations shall be performed by an observer with current and valid Method 9 certification. Results of Method 9 readings and a copy of the certified Method 9 reader's certificate shall be kept on site and made available to the Division upon request.

10.9.6.4 Records of the date, time and length of each blasting event, as well as the COM data for each blasting event, shall be maintained and made available to the Division upon request.

During the inspection no visible emissions were observed. No spray tower blasting with dynamite occurred during the inspection period. A straightening vane added to the spray tower has changed the airflow inside the tower reducing buildup and the need for blasting. All cleaning of

the spray tower was conducted using cardox or spray cannons as reported in quarterly reports received by the Division. Cemex is monitoring opacity during startup, shutdown, process modifications and control equipment cleaning with the COMS, as required. Cemex submits quarterly CEMS reports, as required. The source reported the following opacity events.

The source reported a malfunction on Aug. 25, 2017, 1:36 p.m.-1:41 p.m.: A six-minute kiln opacity average was recorded at 41.23 percent, exceeding the limit during a startup/shutdown operation. The kiln malfunction resulted in a high vacuum pressure that was unintentionally created within the baghouse. Plant air pressure momentarily went down due to a PLC rack fault that shut down automation equipment across the plant, including the pneumatically activated dampers to the baghouse. As a result, the dampers inadvertently closed at the inlet to the baghouse, which ultimately resulted in high opacity spikes at the main kiln as elevated particulate matter was vacuumed from the baghouse by the high pressure developed at the baghouse. The power was restored to the PLC, which then restored plant air and pneumatic activated air damper to the baghouse. This is considered to be a valid malfunction because an array overrun caused the PLC fault.

The source reported a malfunction on Sept. 13, 2017, 1:44 p.m.-1:48 p.m.: A six-minute average opacity of 23 percent registered at the opacity monitor for the kiln stack following maintenance of one of the bags at Compartment No. 73. Further inspection of the compartment indicated that a port was dislodged, allowing dust to bypass the bags. Compartment No. 73 was immediately taken offline for the second time, and the port was properly secured. This lowered the opacity readings to compliance level. Proper baghouse operations and work checks were reviewed with the maintenance, production and environmental departments. This is not considered to be a valid malfunction because operator error improperly secured the port resulting in the opacity exceedance.

(Not In Compliance)

10.10 Emissions of NO_x from the kiln (P007) shall not exceed the following limitations:

- 10.10.1 Annual emissions of NO_x (in tons/year) shall not exceed the limits listed in the above summary table. (Construction Permit 12BO444-2, revised according to Section I, Condition 1.3, to revise the NO_x emission limits (removed lb/hr limit))
- 10.10.2 Emissions of NO_x shall not exceed 1.85 lb/ton clinker, on a 30-day rolling average. (As provided for under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate NO_x limits required by the Consent Decree entered into the federal District Court for the District of Colorado, No. 09-cv-0019-MEK-MEH, paragraph 30. The CD, at paragraph 30, requires the permit to include the NO_x limit)

Compliance with the NO_x limits shall be monitored using the NO_x CEMS required by Condition 10.15, as follows:

- 10.10.3 For purposes of monitoring compliance with the emission limit in Condition 10.10.1, for any hour in which the kiln is operating, the permittee shall program the DAHS to calculate lb/hr NO_x emissions in accordance with the requirements in Condition 18.1.1.3.b and 40 CFR Part 60.

Specifically hourly mass NO_x emissions (in lb/hr) shall be calculated using the following equation:

$$E_h = K \times C_h \times Q_h \times 60 \text{ minutes/hr} \times [1 - (B_{wo}/100)]$$

Where: E_h = mass emissions (lb/hr)
 C_h = NO_x concentration, dry basis, ppm
 Q_h = volumetric flow rate, wet basis, scfm
 $K = 1.194 \times 10^{-7}$ (lb/scf)/ppm
 B_{wo} = gas moisture, %

The resulting NO_x lb/hr value is then multiplied by the unit operating time for that hour to produce a NO_x lbs value. Hourly NO_x mass emissions (lbs) shall be summed and divided by 2000 lbs/ton to determine monthly NO_x emissions (in tons).

Monthly emissions shall be used in a rolling twelve month total to monitor compliance with the annual limitation. Each month a new twelve month total shall be calculated using the previous twelve months data.

- 10.10.4 Upon the compliance deadline for the annual NO_x emission limitation in Condition 10.22.1 (Regional Haze NO_x limits), compliance with the NO_x emission limitations in Condition 10.10.1 shall, in the absence of credible evidence to the contrary, be presumed as long as the monitoring conducted in accordance with the requirements in Condition 10.22.3 (Regional Haze NO_x monitoring) indicates compliance with the NO_x emission limitations in Condition 10.22.1 (Regional Haze NO_x limits).

- 10.10.5 For purposes of monitoring compliance with the emission limit in Condition 10.10.2, the 30 day rolling average NO_x emission rate, in lbs NO_x/ton clinker, at the Lyons Kiln for an operating day and the previous 29 operating days shall be calculated in accordance with the following procedure. (paragraph 7.a of CD No. 09-cv-0019-MEK-MEH). Note that NO_x mass emissions (in lbs) shall be determined as specified in Condition 10.10.3 and clinker produced shall be determined as required by Condition 10.1.

10.10.5.1 Sum the total pounds of NO_x emitted from the Lyons Kiln Main Stack during an operating day and the previous 29 operating days, as measured by the NO_x CEMS (required by Condition 10.15).

10.10.5.2 Sum the total tons of clinker produced by the Lyons Kiln during the same operating day and the previous 29 operating days shall be summed.

- 10.10.5.3 Divide the total number of pounds of the specified pollutant (NO_x) emitted from the Lyons Kiln during the 30 operating days referred to above by the total tons of clinker produced during the same 30 operating days.
- 10.10.5.4 A new 30-day rolling average NO_x emission rate shall be calculated for each new operating day. Each 30-day rolling average NO_x emission rate shall include all NO_x emissions from the Lyons Kiln Main Stack during all periods of kiln operation on any kiln operating day, including emissions from each startup, shutdown, or malfunction.
- 10.10.6 For purposes of the emission limit in Condition 10.10.2 and the monitoring method specified in Condition 10.10.5, as operating day shall mean any day that on which kiln operations occurs. (paragraph 7.bb of CD No. 09-cv-0019-MEK-MEH) Kiln operation shall have the meaning provided for in Condition 10.20.3.

The source monitors NO_x emissions from the kiln with a certified CEMS, as required. Cemex submits quarterly CEMS reports, as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 10.11 Emissions of CO **from the kiln (P007)** shall not exceed the limit listed in the above summary table. (Construction Permit 12BO444-2, revised according to Section I, Condition 1.3, to revise the CO emission limits (removed lb/hr limit)). Compliance with the CO annual emission limit shall be monitored using the CO CEMS required by Condition 10.15, as follows:

For any hour in which the kiln is operating, the permittee shall program the DAHS to calculate lb/hr CO emissions in accordance with the requirements in Condition 18.1.1.3.b and 40 CFR Part 60.

Specifically hourly mass CO emissions (in lb/hr) shall be calculated using the following equation:

$$E_h = K \times C_h \times Q_h \times 60 \text{ minutes/hr} \times [1 - (B_{wo}/100)]$$

Where: E_h = mass emissions (lb/hr)
 C_h = CO concentration, dry basis, ppm
 Q_h = volumetric flow rate, wet basis, scfm
 $K = 7.267 \times 10^{-8}$ (lb/scf)/ppm
 B_{wo} = gas moisture, %

The resulting CO lb/hr value is then multiplied by the unit operating time for that hour to produce a CO lbs value. Hourly CO mass emissions (lbs) shall be summed and divided by 2000 lbs/ton to determine monthly CO emissions (in tons).

Monthly emissions shall be used in a twelve month rolling total to monitor compliance with the annual limitations. Each month, a new twelve month total shall be calculated using the previous twelve months data.

The source monitors CO emissions from the kiln with a certified CEMS, as required. Cemex submits quarterly CEMS reports, as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

10.12 Emissions of SO₂ **from the kiln (P007)** shall not exceed the limits listed in the above summary table. (Construction Permit 12BO444-2, revised according to Section I, Condition 1.3, to revise the NO_x, CO, and VOC emission limits). Compliance with the SO₂ annual emission limit shall be monitored using the SO₂ CEMS required by Condition 10.15 as follows:

10.12.1 For any hour in which fuel is combusted in the unit, the permittee shall program the DAHS to calculate lb/hr SO₂ emissions in accordance with the requirements in Condition 18.1.1.3.b of this permit and the requirements in 40 CFR Part 60.

Specifically hourly mass SO₂ emissions (in lb/hr) shall be calculated using the following equation:

$$E_h = K \times C_h \times Q_h \times 60 \text{ minutes/hr} \times [1 - (B_{wo}/100)]$$

Where: E_h = mass emissions (lb/hr)
 C_h = SO₂ concentration, dry basis, ppm
 Q_h = volumetric flow rate, wet basis, scfm
 $K = 1.660 \times 10^{-7}$ (lb/scf)/ppm
 B_{wo} = gas moisture, %

The resulting SO₂ lb/hr value is then multiplied by the unit operating time for that hour to produce a SO₂ lbs value. The hourly SO₂ lbs values shall be used as follows:

10.12.1.1 For use in assessing compliance with the facility wide SO₂ limit in Condition 10.13, hourly SO₂ mass emissions (lbs) shall be summed to determine daily SO₂ emissions.

10.12.1.2 For use in assessing compliance with the annual SO₂ emission

limit in Condition 10.12, Hourly SO₂ mass emissions (lbs) shall be summed and divided by 2000 lbs/ton to determine monthly SO₂ emissions (in tons). Monthly emissions shall be used in a rolling twelve month total to monitor compliance with the annual limitation. Each month a new twelve month total shall be calculated using the previous twelve months data.

- 10.12.2 Upon the compliance deadline for the annual SO₂ emission limitation in Condition 10.22.1.2 (Regional Haze SO₂ limits), compliance with the SO₂ emission limitations in Condition 10.12 shall, in the absence of credible evidence to the contrary, be presumed as long as the monitoring conducted in accordance with the requirements in Condition 10.22.3 (Regional Haze SO₂ monitoring) indicates compliance with the SO₂ emission limitations in Condition 10.22.1.2 (Regional Haze SO₂ limits).

The source monitors SO₂ emissions from the kiln with a certified CEMS, as required. Cemex submits quarterly CEMS reports, as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 10.13 **Facility Wide Limit** Sulfur dioxide emissions shall not exceed 7 pounds per ton of material (including fuel) processed. This emission limit shall be calculated over each 24-hour period that commences at midnight. If the source does not operate for the entire 24-hour period, the actual hours of operation shall be used as the averaging time. At no time shall the averaging time be greater than 24 hours. (Construction Permit 12BO444-2 and Colorado Regulation No. 1, Section VI.A.3.f.).

Compliance with the facility wide limit shall be monitored using the daily SO₂ emission data from the CEMS (as required by Condition 10.12.1.1) and actual material throughputs recorded under Conditions 10.3 and 10.4, the relevant information recorded for the dryer (see Condition 5.2), and any other information necessary from any other sources emitting sulfur dioxide at this facility.

The owner or operator of the affected source shall maintain all data used to show compliance with this emission standard for a period of two years for sources not subject to the operating permit program and five years for sources subject to the operating permit program. This data shall be available for inspection by the division upon request. (Colorado Regulation No. 1, Section VI.A.3.f)

The source monitors SO₂ emissions from the kiln with a certified CEMS. The source provided a Facility Wide Limit Sulfur dioxide emissions pounds per ton of material (including fuel) value after the inspection. The highest 24-hour period of daily NO_x pounds per ton of material

(including fuel) processed emissions noted during the inspection period is in the table above. (In Compliance)

10.14 Emissions of VOC **from the kiln (P007)** shall not exceed the limits listed in the above summary table. (Construction Permit 12BO444-2, revised according to Section I, Condition 1.3, to revise the VOC emission limits (removed lb/hr limit)). Compliance with the VOC emission limit shall be monitored as follows:

10.14.1 Performance testing for VOC shall be performed once during each calendar year, in accordance with the requirements and procedures set forth in the appropriate EPA Test Method. The length of time between each test shall be at least six months. Test results shall be used to monitor compliance with the annual limit (tons per year limitation) and converted to units of lbs/ton feed, for use in subsequent emission calculations. The emission factor (in lb/ton feed) determined from the performance test shall be used to calculate emissions are required by Condition 10.14.2.

Testing shall be performed for each proposed fuel type, except natural gas. No testing is required if natural gas is the only fuel used during the calendar year. Alternatively, the permittee may test using the worst case VOC emitting fuel, and shall then use this emission rate to estimate VOC emissions from all fuels for that year.

If TDF is used as fuel, performance testing will be required as specified in Condition 10.8.1.

For purposes of assessing compliance with the annual emission limitations in Condition 10.14, the results of the test shall be converted to a lb/hr basis and multiplied by the allowable operating hours (8,064 hrs/yr).

A stack testing protocol shall be submitted for Division approval at least thirty (30) calendar days prior. The test protocol, test, and test report must be in accordance with the requirements of the APCD Compliance Test Manual (<https://www.colorado.gov/pacific/cdphe/inspections-and-enforcement>). A stack testing protocol shall be submitted for Division approval at least forty-five (45) calendar days prior to any performance of the test required under this condition. No stack test required herein shall be performed without prior approval of the protocol by the Division. The Division reserves the right to witness the test. In order to facilitate the Division's ability to make plans to witness the test, notice of the date(s) for the stack test shall be submitted to the Division at least thirty (30) calendar days prior to the test. The Division may for good cause shown, waive this thirty (30) day notice requirement. In instances when a scheduling conflict is presented, the Division shall immediately contact the permittee in order to explore the possibility of making modifications to the stack test schedule. The compliance test results

shall be submitted to the Division within forty-five (45) calendar days of the completion of the test unless a longer period is approved by the Division.

The source performs annual stack testing to determine VOC emissions. The source uses the results of the stack testing to calculate VOC emissions from the main kiln stack. No TDF have been used during the inspection period. The most recent stack tests were conducted on 8/31/2016 and 8/17/2017. The source conducted a stack test 8/30/2018 that was rejected by the Division because the fuel during the test was natural gas but should have been done on coal; a retest was requested. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 10.14.2 Monthly emissions shall be calculated by the end of the subsequent month using the emission factors from the most recent performance test and the monthly quantity of feed to the kiln. Monthly emissions shall be used in a rolling twelve month total to monitor compliance with the annual emission imitations. Each month a new twelve month total will be calculated using the previous twelve months data.

The source reported the most recent stack tests were conducted on 8/31/2016 and 8/17/2017 and the emission factors from the most recent performance test are used in a rolling twelve month total. The source conducted a stack test 8/30/2018 that was rejected by the Division because the fuel during the test was natural gas but should have been done on coal. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 10.15 These sources are subject to the following requirements for continuous monitoring systems:

- 10.15.1 **For the kiln (P007)**, the source shall install, certify and operate continuous emission monitoring (CEMS) equipment for measuring opacity, SO₂, NO_X (including diluent gas either CO₂ or O₂), CO, and volumetric flow (Construction Permit 12BP0444-2, Colorado Regulation No. 3, Part F, Sections VII.B.1.b and VII.C.2.a (for SO₂, NO_X and opacity) and paragraph 11 of Consent Decree (09-cv-0019-MEK-MEH) filed on April 19, 2013 (for NO_X)).
- 10.15.2 **For the clinker cooler (S017)**, the source shall install, certify and operate a continuous opacity monitoring system (COMS).

The CEMS and COMS shall meet the requirements in Condition 18.

The source maintains and operates continuous monitor systems to monitor and track emissions of NO_x, SO₂ (including diluent gas), CO, opacity and flow from the kiln and opacity from the clinker cooler exhaust stream. The CEMS and COMS meet the requirements in Condition 18. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

10.16 Emissions of lead **from the kiln (P007)** shall not exceed the limits shown in the above summary table. (Construction Permit 12BO441-2, as modified under the provisions of Section I, Condition 1.3) Compliance with the annual limitations shall be monitored as follows:

10.16.1 Performance testing for lead shall be performed every five years in accordance with the requirements and procedures set forth in appropriate EPA Test Methods. Test results shall be used to monitor compliance with the annual (tons per year limitation) and converted to units of lbs/ton feed, for use in subsequent emission calculations. The emission factor (in lb/ton feed) determined from the performance test shall be used to calculate emissions are required by Condition 10.16.2.

Note that the previous performance test for lead was conducted on April 6, 2011.

Testing shall be performed for each proposed fuel type, except natural gas. No testing is required if natural gas is the only fuel used during the calendar year. Alternatively, the permittee may test using the worst case VOC emitting fuel, and shall then use this emission rate to estimate VOC emissions from all fuels for that year.

If TDF is used as fuel, performance testing will be required as specified in Condition 10.8.1.

For purposes of assessing compliance with the annual emission limitations in Condition 10.16, the results of the test shall be converted to a lb/hr basis and multiplied by the allowable operating hours (8,064 hrs/yr).

A stack testing protocol shall be submitted for Division approval at least thirty (30) calendar days prior. The test protocol, test, and test report must be in accordance with the requirements of the APCD Compliance Test Manual (<https://www.colorado.gov/pacific/cdphe/inspections-and-enforcement>). A stack testing protocol shall be submitted for Division approval at least forty-five (45) calendar days prior to any performance of the test required under this condition. No stack test required herein shall be performed without prior approval of the protocol by the Division. The Division reserves the right to

witness the test. In order to facilitate the Division's ability to make plans to witness the test, notice of the date(s) for the stack test shall be submitted to the Division at least thirty (30) calendar days prior to the test. The Division may for good cause shown, waive this thirty (30) day notice requirement. In instances when a scheduling conflict is presented, the Division shall immediately contact the permittee in order to explore the possibility of making modifications to the stack test schedule. The compliance test results shall be submitted to the Division within forty-five (45) calendar days of the completion of the test unless a longer period is approved by the Division.

- 10.16.2 Monthly emissions shall be calculated by the end of the subsequent month using the emission factor in the table below and the monthly quantity of feed to the kiln. Monthly emissions shall be used in a rolling twelve month total to monitor compliance with the annual emission imitations. Each month a new twelve month total will be calculated using the previous twelve months data.

Pollutant	Emission Factor	Source
Kiln		
Lead ¹	9.17 x 10 ⁻⁶ lbs/ton feed	April 2011

¹The emission factors in this table represent the emission factors from the most recent stack test. The permittee shall use emission factors from the most recent stack test to calculate emissions.

Emission calculations are not required for any twelve month period for which only natural gas was used as fuel for the kiln. In these cases, compliance with the annual limitations is presumed, in the absence of credible evidence to the contrary.

- 10.16.3 Baghouses shall be operated and maintained in accordance with the requirements in Condition 19.

The source reported the most recent stack test for lead from the kiln was conducted on 8/31/2016 and the emission factors from the most recent performance test are used in a rolling twelve month total. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 10.17 This source shall utilize Reasonably Available Control Technology (RACT) for VOC emissions (Colorado Regulation No. 7, I.C). Operation of this kiln and clinker cooler as designed represents RACT. Any modification of the design shall require a new RACT determination and modification or reopening of this permit.

The source operates the kiln and clinker cooler as designed. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

10.18 These sources are subject to the requirements in 40 CFR Part 63 Subpart LLL as set forth in Condition 22 of this permit.

See Condition 22.

10.19 The precalciner-kiln (S016) is subject to the CAM requirements set forth in Condition 23 of this permit.

See Condition 23.

10.20 The following requirements apply to operation of the non-selective catalytic reduction unit. (As provided for under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate the SNCR operating requirements of the Consent Decree entered into the federal District Court for the District of Colorado, No. 09-cv-0019-MEK-MEH. The CD, at paragraph 30, requires the permit to include the SNCR operating requirements.)

10.20.1 An ammonia injection meter must be installed, calibrated, and operated in accordance with good engineering practices and manufacturer's recommendations. Except during breakdowns, repairs, calibration checks, and zero and span adjustments, the permittee shall capture and record data from the ammonia injection meter. (paragraph 15 of CD No. 09-cv-0019-MEK-MEH)

10.20.2 The SNCR system and ammonia injection meter shall be operated at all times of Lyons Kiln Operation, except as provided for in Conditions 10.20.2.1 and 10.20.2.2, consistent with the technological limitations (including but not limited to the gas temperature at the point of ammonia injection), manufacturer's specifications, and good engineering and maintenance practices for such pollution control technology and the Lyons Kiln, and good air pollution control practices for minimizing emissions. (paragraph 7.m of CD No. 09-cv-0019-MEK-MEH)

10.20.2.1 Malfunctions of the pollution control, emissions monitoring or

ammonia metering technology, or

10.20.2.2 Metering or monitoring equipment repairs, calibration checks, and zero and span adjustments, or

10.20.2.3 When baseline ammonia is being established or reestablished per Paragraph 12.

10.20.3 “Kiln Operation”, shall mean with respect to the Lyons Kiln (P007, AIRS pt 007) any period when any raw materials are fed into the Lyons Kiln or any period when any combustion is occurring or fuel is being fired in the Lyons Kiln. (paragraph 7.v of CD No. 09-cv-0019-MEK-MEH)

The source operates a non-selective catalytic reduction unit. The source reported the control devices is inspected, monitored, maintained / renewed, and operated as per the manufacturers’ recommendations, or maintained in accordance with good air pollution control practices to ensure the satisfactory performance of the devices. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

10.21 Prohibitions on Netting Credits or Offsets from Required Controls

10.21.1 Emission reductions resulting from compliance with the requirements of this Consent Decree shall not be considered as a creditable contemporaneous emission decrease for the purpose of obtaining a netting credit or offset under the Clean Air Act’s Non-attainment NSR and PSD programs. (As provided for under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate paragraph 26 of the Consent Decree entered into the federal District Court for the District of Colorado, No. 09-cv-0019-MEK-MEH. The CD, at paragraph 30, requires the permit to include the prohibition of netting credits or offsets)

10.21.2 The limitations on the generation and use of netting credits or offsets set forth in Paragraph 26 (Condition 10.21.1) do not apply to emission reductions achieved by CEMEX at the Lyons Kiln Main Stack that are greater than those required under this Consent Decree. For purposes of this Paragraph, emission reductions are greater than those required under this Consent Decree if they result from CEMEX’s compliance with enforceable emission limitations that are more stringent than the limits imposed under this Consent Decree, applicable provisions of the Clean Air Act, and the Colorado SIP, and the emission reductions resulting from the more stringent emission limits are made “creditable” within the meaning of, and as required by, the Colorado SIP. (As provided for under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate paragraph 27 of the Consent Decree entered into the federal District Court for

the District of Colorado, No. 09-cv-0019-MEK-MEH. The CD, at paragraph 30, requires the permit to include the prohibition of netting credits or offsets)

- 10.21.3 Nothing in this Consent Decree is intended to preclude the emission reductions generated under this Decree from being considered by EPA as creditable contemporaneous emission decreases for the purpose of attainment demonstrations submitted pursuant to Section 110 of the Act, 42 U.S.C. § 7410, or in determining impacts on National Ambient Air Quality Standards, PSD increments, or air quality-related values, including visibility in a Class I area. (As provided for under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate paragraph 28 of the Consent Decree entered into the federal District Court for the District of Colorado, No. 09-cv-0019-MEK-MEH. The CD, at paragraph 30, requires the permit to include the prohibition of netting credits or offsets)

This condition is informational only, it does not have any actionable items nor does it require the source to provide any records to demonstrate compliance. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this condition. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

10.22 The kiln is subject to the following Regional Haze Requirements:

10.22.1 Emission Limitations (Colorado Regulation No. 3, Part F, Section VI.A.2)

10.22.1.1 NO_x emissions shall not exceed 255.3 lb/hr, on a 30-day rolling average and 901.0 tons/year, on a 12-month rolling average.

10.22.1.2 SO₂ emissions shall not exceed 25.3 lbs/hr, on a 12-month rolling average and 95.0 tons/year, on a 12-month rolling average.

10.22.1.3 Opacity shall not exceed 20%.

10.22.2 Compliance Date

10.22.2.1 The permittee must comply with the above limits and averaging times as expeditiously as practicable, but in no event later than five years after EPA approval of Colorado's state implementation plan for regional haze, or relevant component thereof. The permittee must maintain control equipment or operational practices required to comply with the above limits and averaging times, and establish procedures to ensure that such equipment or operational practices are properly operated and maintained. (Colorado Regulation No. 3, Part F, Section IV.A.3)

10.22.2.2 The permittee shall submit to the Division a proposed compliance

schedule within sixty days after EPA approves the BART portion of the Regional Haze SIP. The Division shall publish these proposed schedules and provide for a thirty-day public comment period following publication. The Division shall publish its final determinations regarding the proposed schedules for compliance within sixty days after the close of the public comment period and will respond to all public comments received. (Colorado Regulation No. 3, Part F, Section IV.A.4)

The Division issued a determination on October 1, 2013 which specified the following compliance dates:

- a. NO_x – December 31, 2017
- b. SO₂ – December 31, 2017
- c. PM – May 15, 2014

10.22.3 SO₂ and NO_x Monitoring Requirements.

10.22.3.1 At all times after the compliance deadline specified in Regulation Number 3, Part F, Section VI.A.3., or VI.B.3. (Condition 10.22.2), the owner/operator of each BART or RP unit shall maintain, calibrate and operate a CEMS in full compliance with the requirements in 40 CFR Part 60 Section 60.13 and Part 60 Appendices A, B and F to accurately measure SO₂, NO_x and diluents, if diluent is required. The CEMS shall be used to determine compliance with the SO₂ and NO_x Regional Haze emission limits for each such unit. For particular units, such limits are expressed in units of pounds per hour, tons per year, pounds per ton clinker or pounds per million Btu. The owner/operator shall calculate emissions in the applicable units. In determining compliance with the SO₂ and NO_x Regional Haze limits, all periods of emissions shall be included, including startups, shutdowns, emergencies and malfunctions. (Colorado Regulation No. 3, Part F, Section VII.B.1.b)

10.22.3.2 For any hour in which fuel is combusted in the BART or RP unit, the owner/operator shall calculate hourly NO_x and SO₂ emissions in the appropriate units (lbs/hr) or (lbs/MMBtu) in accordance with the provisions in 40 CFR Part 60. These hourly values shall be used to determine compliance in accordance with the particular limits averaging time (Colorado Regulation No. 3, Part F, Section VII.B.1.b.(i)), as follows:

- a. Pounds per Hour or Pounds per Million Btu Regional Haze Limits on a 30-day rolling average. Before the end of each operating day, the owner/operator shall calculate and record the 30-day rolling average emission rate in lb/MMBtu or lb/hr from all valid hourly emission values from the CEMS

for the previous 30 operating days. (Colorado Regulation No. 3, Part F, Section VII.B.1.b.(i)(1))

- b. Pounds per Hour on a 12-month rolling average. Before the end of each month, the owner/operator shall calculate and record the 12-month rolling average emission rate in lb/hr from all valid hourly emission values from the CEMS for the previous 12 months. (Colorado Regulation No. 3, Part F, Section VII.B.1.b.(i)(2))
- c. Tons per year Regional Haze Limits on a 12-month rolling average. Before the end of each month, the owner/operator shall calculate and record the total emissions in tons/yr from all valid hourly emission values from the CEMS for the previous 12 months. (Colorado Regulation No. 3, Part F, Section VII.B.1.b.(i)(3))

The source maintains and operates continuous monitor systems to monitor and track emissions of NO_x, SO₂ (including diluent gas), opacity and flow from the kiln. During the inspection no visible emissions were observed. Cemex is monitoring opacity during startup, shutdown, process modifications and control equipment cleaning with the COMS, as required. Cemex submits quarterly CEMS reports, as required. The source reported the following opacity events.

The source reported a malfunction on Aug. 25, 2017, 1:36 p.m.-1:41 p.m.: A six-minute kiln opacity average was recorded at 41.23 percent, exceeding the limit during a startup/shutdown operation. The kiln malfunction resulted in a high vacuum pressure that was unintentionally created within the baghouse. Plant air pressure momentarily went down due to a PLC rack fault that shut down automation equipment across the plant, including the pneumatically activated dampers to the baghouse. As a result, the dampers inadvertently closed at the inlet to the baghouse, which ultimately resulted in high opacity spikes at the main kiln as elevated particulate matter was vacuumed from the baghouse by the high pressure developed at the baghouse. The power was restored to the PLC, which then restored plant air and pneumatic activated air damper to the baghouse. This is considered to be a valid malfunction because an array overrun caused the PLC fault.

The source reported a malfunction on Sept. 13, 2017, 1:44 p.m.-1:48 p.m.: A six-minute average opacity of 23 percent registered at the opacity monitor for the kiln stack following maintenance of one of the bags at Compartment No. 73. Further inspection of the compartment indicated that a port was dislodged, allowing dust to bypass the bags. Compartment No. 73 was immediately taken offline for the second time, and the port was properly secured. This lowered the opacity readings to compliance level. Proper baghouse operations and work checks were reviewed with the maintenance, production and environmental departments. This is not considered to be a valid malfunction because operator error improperly secured the port resulting in the opacity exceedance.

(Not In Compliance)

10.22.4 Opacity Monitoring

10.22.4.1 In order to monitor compliance with the opacity limit, the owner or operator shall install, calibrate, maintain, and continuously operate a COM located at the outlet of the PM control device to continuously monitor opacity. The COM shall be installed, maintained, calibrated, and operated as required by 40 CFR Part 63, Subpart A, and according to PS-1 of 40 CFR Part 60, Appendix B. (Colorado Regulation No. 3, Part F. Section VII.C.2.a) Note that the Division considers that the requirements in 40 CFR Part 60 Subpart A are equivalent and thus is requiring that the COM meet those requirements.

The opacity monitoring system shall meet the requirements in Condition 18.

The source maintains and operates COMS to monitor and track opacity from the kiln. The COMS meet the requirements in Condition 18. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

11. P009 – Clinker and Gypsum/Additive Silos and Weigh Feeders (Storage and Transfer to Finish Mill), P010 - Sheltered (A-Frame) Clinker Storage and Reclaim, P015 - Outdoor Clinker Piles and Handling, P012 and P011 – Cement Finish Mill and Auxiliaries and P013 – Cement Silos/Packhouse/Loadout

AIRs pt 009 (P009): S021 – Top of A Frame (belt 529-30 to 529-63), S026, S027, S029, S030, S031 – Weigh Feeders 1, 2, 4, 5 and 6, S032 – Bottom of A-Frame Transfer, S024 - #2 Clinker Silo, S038 – Surge Bin, S035 – Discharge of 629-3 Belt, S039 - S041 – Finish Mill Weigh Feeders, S038 – Surge Bin , and S033 - Gypsum/Limestone from 529-31 belt to Silos

AIRs pt 010 (P010): S034 - #6 Reclaim Feeder and S051 - Top of A Frame from 529-9 belt to 529-30 belt

AIRs pt 015 (P015): Outdoor Hot Clinker Pile

AIRs pt 011 (P011): S036 – Finish Mill, S037 – Finish Mill Auxiliary Dust Collector and Grinding and Limestone Handling

AIRs pt 031 (P012): S065 – Finish Mill Separator and S069Clinker Baghouse Dust to Finish Mill (SEP project)

AIRs pt 013 (P013) – S043 – Cement Storage Silos A10 and A13, S044 – Cement Storage Silo A7, S045 – Cement Finish Silo A2, S046 - Packhouses East and West (loading spouts) and S048 - Recirculating System

Parameter	Permit Condition Number	Limitations		Emission Factors	Monitoring	
					Method	Interval
Process Rate	11.1	P009	Clinker and Additives Handled: 600,000 tons/year 4,000 tons/day		Recordkeeping	Monthly
		P010	Clinker Handled: 600,000 tons/year 5,500 tons/day			
		P015	Maximum Clinker Stored: 120,000 tons Clinker Handled: 180,000 tons/year 5,500 tons/day			

Parameter	Permit Condition Number	Limitations		Emission Factors	Monitoring	
					Method	Interval
		P011	Overall Fresh Feed to Mill: 631,600 tons/year 4,500 tons/day 15,000 tons/year limestone			
Process Limits	11.1	P012	Cement Produced: 631,600 tons/year 4,500 tons/day SEP baghouse clinker dust handled: 161,280 tons/yr		Recordkeeping	Monthly
		P013	Cement Handled: 681,600 tons/year (includes 50,000 tons/yr imported cement) 4,500 tons/day			
Operating Hours	11.2	8,064 hours/year			Recordkeeping	Monthly
Days of Operation	11.3				Recordkeeping	Monthly
PM and PM ₁₀	11.4	P009	PM: 9.3 tons/year	See Condition 11.4.2	Baghouse Operation and Maintenance	See Condition 11.4.1
			PM ₁₀ : 4.65 tons/year, 52 lbs/day			
		P010	PM: 21.96 tons/year			
			PM ₁₀ : 10.98 tons/year, 201 lbs/day			
		P011	PM: 17.05 tons/year			
			PM ₁₀ : 8.65 tons/year 48 lbs/day			
					Recordkeeping and Calculation	Monthly

Parameter	Permit Condition Number	Limitations		Emission Factors	Monitoring				
					Method	Interval			
		P012	PM: 21.9 tons/year		Performance Tests	Every Five (5) Years			
			PM ₁₀ : 10.95 tons/year 107 lbs/day						
		P013	PM: 12.3 tons/year						
			PM ₁₀ : 6.2 tons/year 43 lbs/day						
		P015	PM: 2.05 tons/year				PM: 3.8 lb/VMT PM ₁₀ : 1.7 lb/VMT & 80% control	Recordkeeping and Calculation	Monthly
			PM ₁₀ : 0.92 ton/year 78 lbs/day						
			0.3 mile one way haul distance						
Opacity	11.5	Shall not exceed 20%, except as provided for below			Visible Emission Observation Method 9	Daily If Required (See Conditions 16.1.1.2 and 20.5.1)			
		Certain Operating Conditions - Shall not exceed 30%					Baghouse Maintenance and Operation	See Condition 19	
Fugitive Particulate Emissions	11.6				Inspection	Weekly			

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
NSPS Subpart F Opacity	11.7	Less than 10%		Method 22	S036 & S065 - Daily All Others - Monthly to Annually
CAM	11.8	See Condition 23 (S024, S034, S036, S037, S044, S045 & S046 only)			
MACT Requirements	11.9			See 40 CFR Part 63 Subpart LLL (Condition 22)	
		Outdoor Clinker Storage		See Condition 22.5	
		O & M Plan Requirements		See Conditions 22.10 and 22.11	

Compliance Status: P009 - Clinker/Gypsum Silos and Weigh Feeders

P010 - Sheltered Clinker Storage Stockpile with Underground Reclamation

P015 - Outdoor Clinker Storage, and Handling of Clinker with Front End Loaders (formerly 10A)

P011 - Cement Finish Mill and Bucket Elevator/Auxiliaries

P012 - High Efficiency Separator (Classifier) and Baghouse Collector

P013 - Cement Storage Silos/Packhouse/Loadout

Parameter	Source	Limitations	Reported Data
Process Limits	P009	600,000 tons/yr	348,079 tons
		4,000 tons/day	1,044 tons/day
	P010	600,000 tons/yr	13,648 tons
		5,500 tons/day	1,276 tons/day
	P015	180,000 tons/yr	35,544 tons
		5,500 tons/day	175.55 ton/day
	P011	631,600 tons/yr	348,079 tons
		4,500 tons/day	1,044 tons/day
		15,000 tons/yr (limestone)	2,128 tons
	P012	631,600 tons/yr	378,311 tons
		4,500 ton/day	1,136 tons/day
		161,280 tons/yr (SEP baghouse)	147,840 tons
	P013	681,600 tons/yr	375,134 tons
		4,500 ton/day	1,396 tons/day
Operating Hours		8,064 hrs/yr	6,352 hrs

Parameter	Source	Limitations	Reported Data
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PM	P009	9.3 tons/yr	0.39 tons
	P010	21.96 tons/yr	1.74 tons
	P011	17.05 tons/yr	0.17 tons
	P012	21.9 tons/yr	2.37 tons
	P013	12.3 tons/yr	0.10 tons
	P015	2.05 tons/yr	1.35 tons
PM ₁₀	P009	4.65 tons/yr	0.16 tons
		52 lbs/day	1.04 lbs/day
	P010	10.98 tons/yr	1.74 tons
		201 lbs/day	11.33 lbs/day
	P011	8.65 tons/yr	0.08 tons
		48 lbs/day	5.63 lbs/day
	P012	10.95 tons/yr	4.21 tons
		107 lbs/day	27.39 lbs/day
	P013	6.2 tons/yr	0.02 tons
		43 lbs/day	0.14 lbs/day
	P015	0.92 tons/yr	0.12 tons
		78 lbs/day	0.87 lbs/day

Cemex provided the Reported Data above for the rolling 12-month period ending July 2018. The emissions are calculated based on daily, monthly and yearly material throughputs.

- 11.1 The amount of clinker, cement and other materials handled shall not exceed the limits listed in the table above (Construction Permit 98BO0259, as modified under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part B Section II.A.6 and Part C, Section X, to add throughput limit to P012 for SEP baghouse as specified in August 19, 2008 submittal). The quantity of materials handled through each emission group shall be monitored and recorded monthly. Any information used to determine the monthly quantities of material handled shall be maintained and made available upon request. Monthly quantities of material handled shall be used in a twelve month rolling total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months' data.

Compliance with the daily throughput limits shall be monitored by dividing the monthly quantity of material handled through the emission group by the monthly number of days of operation for that emission group.

Cemex is tracking the amount of clinker handled daily, monthly, and rolling 12-month total as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 11.2 Annual hours of operation shall not exceed 8,064 (Construction Permit 98BO0259). Hours of operation shall be monitored and recorded monthly. Monthly hours of operation shall be used in a twelve month rolling total to monitor compliance with the annual limitation. Each month a new twelve month total shall be calculated based on the previous twelve months' data. Records of monthly and twelve month totals of operating hours shall be kept on-site and made available for inspection upon request.

Cemex is tracking the hours of operation on a daily, monthly, and rolling 12-month total as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 11.3 Days of operation for these emission groups shall be monitored and recorded monthly. If any unit within an emission group operates during a day, that day counts as a day of operation. Days of operation shall be used to determine daily throughput and emissions as specified in Conditions 11.1 and 11.4.2.

Days of operation are used to determine daily throughput and emissions. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 11.4 PM and PM₁₀ emission rates shall not exceed the limits listed in the above summary table (Construction Permit 98BO0259, as modified under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part B Section II.A.6 and Part C, Section X, to increase emission limit for P012 for SEP baghouse per August 19, 2008 submittal and P009 to address S021 and S033 (APEN submitted 2/20/13)). Compliance with the PM and PM₁₀ emission limits shall be monitored as follows:

11.4.1 **For all sources except P015**, the baghouses shall be operated and maintained in accordance with the requirements in Condition 19.

11.4.2 **For all sources except P015**, monthly emissions shall be calculated by the end of the subsequent month using the PM and PM₁₀ emission factors described in the paragraphs below (in gr/dscf), hours of operation (as required by Condition 11.2) and the maximum design flow rate of the baghouses (see table below).

Note that the maximum design flow rate shall be converted to dry standard cubic feet for use in the emission calculations. The permittee shall maintain

records of actual stack temperature and pressure for this conversion and shall make this information available to the Division upon request.

For all but BH 725-28 (S069/SEP baghouse): The PM and PM₁₀ emission factor for any baghouse, within an emission group that has been performance tested shall be the results of the most recent performance test. The PM and PM₁₀ emission factor for any baghouse within an emission group that has not been performance tested, shall be the results of the most recent performance test for any baghouse within that emission group that has been performance tested.

For BH 725-28 (S069/SEP baghouse): The PM and PM₁₀ emission factor shall be the baghouse grain loading specified in the table below. Since BH 725-28 is located and vents inside a building performance testing is not required for this baghouse.

Monthly emissions of PM and PM₁₀ shall be used in a rolling twelve month total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months' data.

Emission Group	Stack ID/ Baghouse ID	Baghouse Grain Loading (gr/dscf)		Design Flow Rate (ACFM)	Stack ID/ Baghouse ID	Baghouse Grain Loading (gr/dscf)		Design Flow Rate (ACFM)
		PM	PM ₁₀			PM	PM ₁₀	
P009	S024/BH 625-12	0.0233	0.0117	2,000	S031/BH 625-9	0.0233	0.0117	1,000
	S038/BH 725-5	0.0233	0.0117	1,000	S035/BH 625-14	0.0233	0.0117	1,000
	S026/BH 625-4	0.0233	0.0117	1,000	S039/BH 725-6	0.0233	0.0117	1,000
	S027/BH 625-5	0.0233	0.0117	1,000	S040/BH 725-7	0.0233	0.0117	1,000
	S029/BH 625-7	0.0233	0.0117	1,000	S041/BH 725-8	0.0233	0.0117	1,000
	S030/BH 625-8	0.0233	0.0117	1,000	S032/BH 625-10	0.0233	0.0117	2,000
	S021/BH 525-15	0.0233	0.0117	1,000	S033BH 625-11	0.0233	0.0117	1,000
P010	BH 625-15	0.0146	0.0073	45,000	S051/BH 525-17	0.0146	0.0073	10,000
P011	BH 725-2	0.0215	0.0102	18,200	S037BH 725-3	0.0215	0.0102	14,300
P012/031*	S065/ BH-725-10/ 11	0.0058	0.0029	147,060	S069/BH 725-28 (SEP BH)	0.01	0.005	1,300
P013	S043/BH 825-1	0.0239	0.0120	4,400	S046/BH 824-5	0.0239	0.0120	2,540
	S044/BH 825-2	0.0239	0.0120	4,400	S048/BH 825-6	0.0239	0.0120	1,280
	S045/BH 825-3	0.0239	0.0120	4,400	S046/BH 825-4	0.0239	0.0120	1,640

*identified in Construction Permit 95BO0259 as AIRS pt 031.

Compliance with the daily PM₁₀ emission limitations shall be monitored by dividing the monthly PM₁₀ emissions by the number of days the emission group operated during that month.

11.4.3 **For all sources except P015**, performance tests shall be conducted every five (5) years to measure the emission rates of filterable PM and PM₁₀. Performance tests shall be conducted in accordance with the appropriate EPA Test Methods.

A test shall be performed for a representative baghouse for each activity group (P009, P010, P011, P012, and P013) to monitor compliance with the grain loading (gr/scf) requirements included in the table in Condition 11.4.2. A different baghouse from each activity group shall be tested during each five year test event, unless all baghouses within the activity group have been tested or Division approval has been received for testing a baghouse that had been tested previously. Once performance tests have been conducted on all baghouses in an activity group (e.g. P009), the permittee shall repeat the process of testing a different baghouse from each activity group during each five year test event.

Note that performance tests were conducted in April and May 2011 for these sources.

Since S026 thru S032 and S038 thru S041 (baghouses within emission group P009) are located and vent inside a building, performance testing is not required for these baghouses.

For purposes of assessing compliance with the annual PM and PM₁₀ emission limitations, the results of the tests shall be converted to a gr/dscf basis and compared to the grain loading requirements included in the table in Condition 11.4.2. Any test result that indicates non-compliance with the grain loading requirements in Condition 11.4.2 shall be considered a violation of the annual emission limitation.

The protocol, test notification and submittal of test report shall meet the requirements specified in Condition 21.

11.4.4 **For P015**, compliance with the emission limits shall be monitored as follows:

11.4.4.1 Monthly emissions shall be calculated by the end of the subsequent month using the emission factors in the above summary table (from Construction Permit 98BO0259, final approval, modification No. 3, dated April 11, 2006) and the number of vehicle miles traveled during the month. Monthly emissions of PM and PM₁₀ shall be used in a rolling twelve month total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months' data.

A control efficiency of 80% can be applied to the monthly emission calculations provided the control measures in Condition 11.6.1 have been met.

11.4.4.2 Vehicle miles traveled (VMT) shall be monitored and recorded monthly for use in the emission calculations required by Condition 11.4.4.1. Logs, reports and/or other information used to record and/or determine the monthly VMT shall be maintained and made available to the Division upon request.

11.4.4.3 The one-way haul distance shall not exceed 0.3 miles. (Construction Permit 98BO0259). Records that demonstrate that the one-way haul distance to outdoor clinker storage meets this requirement shall be maintained and made available to the Division upon request.

Monthly PM and PM10 emissions are calculated using the appropriate emission factors. No exceedances of the permit limits have been noted. The source conducts performance tests to measure the emission rates of filterable PM and PM10 in accordance with the appropriate EPA Test Methods. The source tracks VMT for use in the emission calculations. Baghouses are not operated and maintained in accordance with the requirements in Condition 19. During the inspection it was observed that the east-facing man-access door at the top of A-frame (P010) was open and the baghouse controlling the area (BH 525-17) had a differential pressure (DP) that was out of the acceptable range identified (see photo below). The photohelic reading was 0" and responded by moving during the baghouse cleaning cycle indicating that it was working. Fugitive emissions were observed and the source shutdown the process once the problem was noticed; no Method 9 was performed. After the inspection the source provided a follow-up stating a proper seal to the door had been achieved. The source also stated the baghouse hopper was found to be full, the unit was emptied and normal operation was resumed. During the inspection baghouse BH 525-17 was not operating in accordance with the requirements in Condition 19. (Not In Compliance)



- 11.5 **Except for P015**, these sources are subject to the opacity limits set forth in Condition 20 of this permit.

See Condition 20.

- 11.6 The activities addressed in **P015** are subject to the following fugitive particulate matter requirements:

- 11.6.1 Every owner or operator of a new source or activity that is subject to this Section III.D. and which is required to obtain an emission permit under Regulation No. 3 shall submit a fugitive particulate emission control plan meeting the requirements of this Section III.D. at such time as, and as part of, the required permit application. Such plan shall be approved or disapproved by the division in the course of acting to approve or disapprove the permit application and no emission permit shall be issued until a fugitive particulate emission control plan has been approved. (Colorado Regulation No. 1, Section III.D.1.b)

The following approved measures shall be used to control fugitive particulate matter emissions from the activities in P015. (Construction Permit 98BO0259)

A weekly inspection of the site shall be conducted to ensure the emission control elements are in place and effective. In addition, at any time when a fugitive dust problem is observed, the permittee shall take action to correct the problem. The permittee shall maintain records of the date and time of any fugitive dust problem observed, and the type and time of action taken to correct the problem. These records shall be maintained on site for inspection upon request.

- 11.6.1.1 If, at any time, visible emissions are observed to originate from pile(s), then the pile(s) shall be watered at least once per day until a crust forms on the surface.
- 11.6.1.2 The permittee shall operate a water application system (such as a sprinkler system or water truck) to minimize fugitive particulate matter emissions from roads and other traffic areas, loading areas and other sources of fugitive particulate matter emissions. The water truck and/or sprinkler system shall meet the following requirements:
- a. During the day shift, the permittee shall operate the plant based water truck on full-time basis, 12 hours a day, 7 days a week. Watering shall occur according to this schedule excluding periods of freezing conditions, snow/ice covered

roads, rain or a shutdown of the kiln and crushing/drying system for greater than 24 hours. As used here, the term “freezing conditions” means weather conditions severe enough to clog the water truck due to freezing. The permittee shall take reasonable precautions to prevent such freezing conditions. (Construction Permit 98BO0259 and Compliance Order on Consent 2002-124, paragraph 41.a, revised to remove statement regarding operation of the water truck is the sole assignment of individual and to remove specific measure to prevent freezing conditions.)

- b. The water truck shall be operated during nights as necessary to water such areas adequately to control particulate emissions. (As provided for in Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate Compliance Order on Consent 2002-124, paragraph 41.b. The COC, at paragraph 46 requires this requirement to be in the permit.)
- c. An automated sprinkler system shall be operated in accordance with the following requirements:
 - (i) Sprinklers will be set for 10 minutes or longer on each station. Cycle times will be set for at least one cycle every two hours, except that the permittee may reduce watering if the area becomes too wet for operations.
 - (ii) The sprinkler system shall be positioned to cover 100% of the affected area.
 - (iii) The sprinkler system shall be in service from mid-April through mid-October each year, except during rain, snow or freezing conditions.

- 11.6.1.3 Haul roads shall be treated with chemical dust suppressants, as often as required, to maintain a surface crust. Such controls shall achieve a minimum control efficiency of 80%. Records of such application of dust suppressants and watering shall be maintained on site.
- 11.6.1.4 Traffic on and around storage pile(s) shall be minimized.
- 11.6.1.5 Height of fall material shall be minimized. Dust extractor used shall be in close proximity to the emission source.
- 11.6.1.6 Vehicle traffic on unpaved surfaces shall be restricted to established roadways.
- 11.6.1.7 Clinker shall be reclaimed from the storage pile(s) as soon as practicable.

11.6.1.8 Paved areas shall be kept clean using a high efficiency industrial sweeper.

11.6.1.9 Activities causing fugitive particulate matter emissions shall be suspended when wind speeds reach or exceed 30 miles per hour, averaged over a 60-minute period. Only those activities affected by wind speed, and for which it is possible to “suspend operation” need be shut down (i.e., the permittee cannot “shut down” storage piles, thus this condition would not apply to storage piles). Activities may continue when the average wind speed drops below 30 m.p.h. (Construction Permit 98BO0259, as modified per Section 1, Condition 1.3 of this permit)

The permittee shall install, calibrate, and operate a wind speed instrument which will be used to alert personnel when average wind speeds reach or exceed 30 m.p.h. The permittee shall maintain records of those dates and times when wind speed reaches or exceeds 30 m.p.h, averaged over a sixty minute period.

11.6.1.10 Spillages and other particulate matter accumulations shall be cleaned up with the least delay. The permittee shall operate a powered sweeper during day shift for 12 hours a day, 7 days a week to control accumulations on paved areas. Sweeping shall occur according to this schedule except under the following circumstances: wet pavement, snow/ice covered pavement, or shutdown of the kiln and crushing/drying system for greater than 24 hours. (Construction Permit 98BO0259 and Compliance Order on Consent 2002-124, paragraph 39.a, revised to remove statement regarding operation of the sweeper is the sole assignment of individual.)

11.6.1.11 During the night shift, the Outdoor Clinker Discharge area shall be swept or watered as necessary while diverting clinker to the pit. Sweeping and watering will occur according to this schedule except under the following circumstances: Wet pavement, snow/ice covered pavement, or during a shutdown of the crushing/drying and kiln system for greater than 24 hours. (As provided for in Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate Compliance Order on Consent 2002-124, paragraphs 39.b and c. The COC, at paragraph 46 requires this requirement to be in the permit.

11.6.2 If the division determines that a source of activity which is subject to this Section III.D. (whether new or existing) is operating with emissions in excess of 20% opacity and such source is subject to the 20% emission limitation guideline; or if it determines that the source or activity which is subject to this Section III.D. is operating with visible emissions that are being transported off the property on which the source is located and such source is subject to the no off property transport emission limitation guideline; or if it determines that

any source or activity which is subject to this Section III.D. is operating with emissions that create a nuisance; it shall require the owner or operator of that source or activity to submit a written plan to the division for the control of fugitive particulate emissions within the time period specified in Section III.D. Provided, however, that in the case of a source or activity which already has a control plan, the division shall review said control plan and if it determines the plan does not meet the requirements of this Section III.D. it shall require the submission of a revised control plan. (Colorado Regulation No. 1, Section II.D.1.c)

The guidelines that apply to the activities associated with P015 are as follows:

- 11.6.2.1 Storage and Handling of Materials – Both the 20% opacity and the no off-property transport emission limitation guidelines shall apply to storage and handling operations. (Colorado Regulation No. III.D.2.c.(iii))
- 11.6.2.2 Haul Roads - The no off-property transport emission limitation guideline shall apply to on-site haul roads (i.e., those located on and abutted by the property owned or under control of the owner or operator of the haul road) and the nuisance guideline shall apply to off-site haul roads (i.e., those abutted on both sides by property not owned or under the control of the owner or operator of the haul road). (Colorado Regulation No. 1, Section III.D.2.e.(iii))
- 11.6.2.3 Haul Trucks - The no off-property transport emission limitation guideline shall apply to haul trucks; except that when operating off the property of the owner or operator, the applicable guideline shall be no off-vehicle transport of visible emissions. (Colorado Regulation No. 1, Section III.D.2.f.(iii))
- 11.6.2.4 As used herein, “nuisance” shall mean the emission of fugitive particulates that constitutes a private or public nuisance as defined in common law, the essence of which is that such emissions are unreasonable interfering with another person's use and enjoyment of his property. Such interference must be “substantial” in its nature as measured by a standard that it would be of definite offensiveness, inconvenience, or annoyance to a normal person in the community. (Colorado Regulation No. 1, Section III.D.1.c)
- 11.6.2.5 The 20% opacity, no off-property transport, and nuisance emission limitation guidelines of this Section III.D. (as included in Conditions 11.6.2.1 through 11.6.2.3) are not enforceable standards and no person shall be cited for violation thereof pursuant to C.R.S. 1973, 25-7-115 as amended. (Colorado Regulation No. 1, Section III.D.1.e.(iii))

- 11.6.3 In the event that a revised control plan is requested under the provisions of Condition 11.6.2, the requirements in Condition 1.6.3 shall be met.

- 11.6.4 Violations of these fugitive particulate matter requirements and potential Division enforcement action related to those violations are defined in Condition 1.6.4.

No opacity or off property transport was observed from the outdoor clinker area. The source performs weekly inspections of the control measures to ensure the emission control measures are in place and effective. The source maintains records of the weekly inspections and results as required.

The source reported on March 15, 2017, 8 a.m.-10 a.m. during normal operation: The sweeper was down for two hours because the operator assigned for the day needed medical attention, and the substitute operator was tied up cleaning the spray tower until 10 a.m. Water truck operations, however, generally covered areas around P009, P010, P011, P012, P013 and P015. Non-availability of an operator is not a valid exemption from the sweeping requirement. Production department supervisors and truck operators were reminded to ensure that the water truck keeps wet the paved areas normally covered by the sweeper when the sweeper is not operating.

The source reported on Jan. 7, 2018, 11:23 a.m.-6 p.m.; Jan. 8, 2018, 6:40 a.m.-6 p.m.; Jan. 9, 2018, 6 a.m.-12 p.m.: The water truck was operated for less than 12 hours even as the crushing/drying (O2) system operated.

The source failed to operate a powered sweeper during day shift for 12 hours and the source failed to operate the plant based water truck on full-time basis, 12 hours a day. (Not In Compliance)

- 11.7 On and after the date on which the performance test required to be conducted by §60.8 is completed, you may not discharge into the atmosphere from any affected facility other than the kiln and clinker cooler any gases which exhibit 10 percent opacity, or greater. (40 CFR Part 60 Subpart F § 60.42(c))

Any sources other than kilns (including associated alkali bypass and clinker cooler) that are subject to the 10 percent opacity limit must follow the appropriate monitoring procedures in §63.1350(f) (Condition 22.33), (m)(1) through (4), (10) and (11), (o), and (p) of this chapter. (60.64(b)(3)).

No opacities in excess of 10% have been documented from sources subject to this condition. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

11.8 The following sources are subject to the CAM requirements set forth in Condition 23 of this permit: S024, S051, S034, S036, S037, S043, S044, S045 and S046.

See Condition 23.

11.9 These sources are subject to the requirements in 40 CFR Part 63 Subpart LLL as set forth in Condition 22 of this permit.

Specifically these sources are subject to the outdoor clinker storage pile and operation and maintenance plan requirements and any related recordkeeping and reporting requirements associated with those requirements.

Note that the opacity requirement in 40 CFR Part 60 Subpart F (Condition 11.7) that applies to these sources is more stringent than the opacity limits in 40 CFR Part 63 Subpart LLL (§§ 63.1343(b) and 63.1345, Conditions 22.4 and 22.6), so as provided for in § 63.1356 (Condition 22.62), these sources do not have to comply with the opacity requirements in §§ 63.1343(b) and 63.1345. The opacity requirements in §§ 63.1343(b) and 63.1345 are included in the permit shield for streamlined conditions (Section III.3) of this permit for these sources.

See Condition 22.

12. P014 - Material Handling System – Load-In and Load-Out

AIRs pt 014: S020 - Coal Silo/Elevator, S019 – Material Unloading Hopper (Railcar), S025 – Material Unloading Hopper and Spout (Trucks), and Outdoor Coal Storage

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Process Rate	12.1			Recordkeeping	Annually
PM & PM ₁₀	12.2		See Condition 12.2	Recordkeeping and Calculation	Annually
PM	12.3	See Condition		Baghouse	See Condition 19

		12.3		Maintenance and Operation	
Opacity	12.4	Shall not exceed 20%, except as provided for below		Visible Emission Observation Method 9	Daily If Required (See Conditions 16.1.1.2 and 20.5.1) See Condition 19
		Certain Operating Conditions - Shall not exceed 30%, for a period or periods aggregating more than six (6) minutes in any 60 consecutive minutes		Baghouse Maintenance and Operation	
MACT Requirements	12.5			See 40 CFR Part 63 Subpart LLL (Condition 22)	
		Opacity Shall Not Exceed 10%		Method 22	Monthly to Annually
		O & M Plan Requirements		See Conditions 22.10 and 22.11	

**Compliance Status: P014 - Material Handling System – Load-In and Load-Out
AIRs pt 014: S020 - Coal Silo/Elevator, S019 – Material Unloading Hopper (Railcar), S025 – Material Unloading Hopper and Spout (Trucks), and Outdoor Coal Storage**

Parameter		Limitations	Reported Data
S019	Coal Feed	No limit	25,114.2 tons
	PM	No limit	0.0004 tons
	PM ₁₀	No limit	0.0004 tons
S020	PM	No limit	0.0004 tons
	PM ₁₀	No limit	0.0004 tons
S025	PM	No limit	0.0004 tons
	PM ₁₀	No limit	0.0004 tons

Cemex provided the Reported Data above for the rolling 12-month period ending July 2018. The emissions are calculated based on daily, monthly and yearly material throughputs.

- 12.1 Materials processed through these sources shall be monitored and recorded annually. Any information used to determine the annual quantity of materials processed shall be maintained and made available to the Division upon request.

The source is tracking emissions on a monthly and annual basis, as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 12.2 Annual emissions for purposes of APEN reporting and the payment of annual fees shall be estimated using the annual materials processed, as required by Condition 12.1, and the emission factors listed in the table below above summary table (AP-42, Section 11.6, dated January 1995, Table 11.6-4) in the following equation:

Material	Emission Factor (lb/ton) (applies to each baghouse stack or transfer point)		Emission Factor Source	Control Efficiency
	PM	PM ₁₀		
Coal	2.9×10^{-5} lb/ton	2.9×10^{-5} lb/ton	AP-42, Section 11.6 (dated 1/95), Table 11.6-4 – limestone transfer with fabric filter	N/A (factor includes control)
Clinker	2.9×10^{-5} lb/ton	2.9×10^{-5} lb/ton		
Limestone	2.9×10^{-5} lb/ton	2.9×10^{-5} lb/ton		
Other	0.0069 lb/ton	0.0033	AP-42, Section 11.12 (dated 6/06), Table 11.12-2 – aggregate transfer	99%

$$\text{Tons/mo} = \frac{[\text{EF (lbs/ton)} \times \text{annual material processed (ton/yr)}]}{2000 \text{ lb/ton}}$$

When materials other than coal and clinker are loaded, a control efficiency of 99% may be applied to the above calculation if the baghouses are operated and maintained in accordance with the requirements in Condition 19. The emission factors for coal and clinker account for baghouse control.

The source is calculating emissions using the raw material throughputs and the emission factor below, as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

12.3 No owner or operator of a manufacturing process unit shall cause or permit emission of any particulate matter into the atmosphere during any consecutive sixty minute period which is in excess of the following (Colorado Regulation No. 1, III.C.1):

12.3.1 For process equipment having design rates of greater than 30 tons per hour, the allowable emission rate shall be determined by use of the equation (Colorado Regulation No. 1, III.C.1.b):

$$E = 17.31 (P)^{0.16}$$

Where:

E is the allowable particulate emissions in lbs/hr.

P is the process weight rate in tons/hr

In absence of evidence to the contrary, compliance with the PM limit is presumed provided the baghouses are operated and maintained in accordance with the requirements specified in Condition 19.

Compliance with the PM limit is presumed because baghouses are operated and maintained in accordance with the requirements specified in Condition 19. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

12.4 These sources are subject to the opacity limits set forth in Condition 20 of this permit.

This point is meeting the opacity requirements outlined in Condition 20. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

12.5 These sources are subject to the requirements in 40 CFR Part 63 Subpart LLL as set forth in Condition 22 of this permit.

See Condition 22.

13. P007A - Handling and Processing of CKD and Raw Material Waste Dust

AIRs pt 049: S001 – Waste Dust Silo, S022 – Kiln Return Dust Silo, S066 – Cement Silo A5, S067 – CKD Loading Spout, 041 - Pug Mill/Truck Loading and 042 - Truck Hauling and Disposal at Lyons Quarry

Parameter	Permit Condition Number	Limitations		Emission Factors	Monitoring	
					Method	Interval
Process Rate	13.1	S001, S022, S066 & S067, 041 - Pug Mill/Truck Loading	Total Quantity of Materials conveyed, CKD and benification dust, together, on a dry basis: 133,000 tons/year 600 tons/day		Recordkeeping	Monthly
		042 - Hauling and Disposal	Total Quantity of material Hauled and Disposed, on Wet Basis: 173,403 tons/year 800 tons/day			
PM and PM ₁₀	13.2	S001, S022, S066 & S067	PM: 19.95 tons/year PM ₁₀ : 9.98 tons/year 69.5 lbs/day	See Condition 13.2	Baghouse Operation and Maintenance Recordkeeping and Calculation Performance Tests S066 Pressure Drop Recording	See Condition 11.4.1 Monthly Every Five (5) Years Weekly

Parameter	Permit Condition Number	Limitations		Emission Factors	Monitoring	
					Method	Interval
		041 - Pug Mill/Truck Loading	PM: 2.66 tons/year PM ₁₀ : 2.66 tons/year 24.00 lbs/day	PM: 0.8 lb/ton PM ₁₀ : 0.2 lb/ton	Recordkeeping and Calculation	Monthly
		042 - Hauling and Disposal	PM: 5.50 tons/year PM ₁₀ : 2.50 tons/year 23 lbs/day		Recordkeeping and Calculation Emission Control Plan	Monthly
Hours of Operation	13.3	S001, S022, S066& S067: 8064 hours/year			Recordkeeping	Monthly
Days of Operation	13.4				Recordkeeping	Monthly
NSPS Subpart F Opacity	13.5	Less than 10%			Method 22	Monthly to Annually
Opacity	13.6	Shall not exceed 20%, except as provided for below			Visible Emission Observation	Daily
					Method 9	If Required (See Conditions 16.1.1.2 and 20.5.1)
		Certain Operating Conditions - Shall not exceed 30%			Baghouse Maintenance and Operation	See Condition 19 (Includes Weekly Pressure Drop for S066)
Fugitive PM Emissions	13.7				Inspection	Daily
Pit Restriction	13.8	Pit C Only			Certification	Annually
CAM	13.9	See Condition 23				
MACT Requirements	13.10				See 40 CFR Part 63 Subpart LLL (Condition 22)	

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
ts		O & M Plan Requirements		See Conditions 22.10 and 22.11	

Compliance Status: P007A - Handling and Processing of CKD And Raw Material Waste Dust
S001 - Waste Dust Silo
S066 - Cement Silo A5
S067 - CKD Loading Spout
041 - Pug Mill
042 - Truck Hauling to Lyons Quarry

Parameter		Limitations	Reported Data
Process Rate	S001, S066, S067	133,000 tons/yr	25,835 tons
		600 tons/day	64.25 tons/day
	041	133,000 tons/yr	25,835 tons
		600 tons/day	64.25 tons/day
	042	173,403 tons/yr	337.73 tons
		800 tons/day	17.74 tons/day
PM	S001, S066, S067	19.95 tons/yr	2.78 tons
	041	2.66 tons/yr	0.15 tons
	042	5.50 tons/yr	0.01 tons
PM ₁₀	S001, S066, S067	9.98 tons/yr	1.27 tons
		69.5 lbs/day	9.31 lbs/day
	041	2.66 tons/yr	0.15 tons
		24.00 lbs/day	0.57 lbs/day
	042	2.50 tons/yr	0.005 tons
		23 lbs/day	0.02 lbs/day
Hours of Operation	S001	8064 hours/yr	6,352 hours

Cemex provided the Reported Data above for the rolling 12-month period ending March 2017. The emissions are calculated based on daily, monthly and yearly material throughputs.

13.1 The amount of materials handled shall not exceed the limits listed in the above table (Construction Permit 98BO0315). The quantity of materials handled shall be monitored and recorded monthly. Any information used to determine the monthly quantities of material handled shall be maintained and made available for inspection upon request. Monthly quantities of material handled shall be used in a rolling twelve month total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months' data.

Compliance with the daily throughput limits shall be monitored by dividing the monthly quantity of material handled by the number of days of operation.

Cemex is maintaining the number of operating days per month and the process rates on a daily, monthly, and rolling 12-month total basis, as required. No exceedances of the permit limits are noted. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

13.2 PM and PM₁₀ emissions shall not exceed the limits listed in the above summary table. (Construction Permit 98BO0315, as modified under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part B, Section II.A.6 and Part C, Section X, to increase emission limitations for S001, S066 and S067 to include S022 (APEN submitted 2/20/13)). Compliance with the PM and PM₁₀ limits shall be monitored as follows:

13.2.1 **For the pug mill/truck loading (041)** monthly emissions shall be calculated by the end of the subsequent month using the emission factors in the above summary table (from Construction Permit 98BO0315, initial approval, modification and transfer of ownership, issued April 7, 2004) and the monthly quantity of materials processed. Monthly emissions shall be used in a twelve month rolling total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months' data.

Compliance with the daily PM₁₀ limitations shall be monitored by dividing the monthly PM₁₀ emissions by the number of days the unit was operated.

Control efficiencies of 95% for PM and 80% for PM₁₀ may be applied to the monthly calculations provided the pug mill and pelletizing machine are operated and maintained in accordance with manufacturer's recommendations and good engineering practices to provide a minimum moisture content of 20% water by weight.

A copy of the operating and maintenance procedures, schedules for maintenance and/or inspection activities and records related to the operation and maintenance of the pug mill and pelletizing machine and good engineering practices, such as records of routine maintenance and/or inspections shall be maintained and made available to the Division upon request.

13.2.2 **For S001, S022, S066, and S067**, the baghouses shall be operated and maintained in accordance with the requirements in Condition 19

13.2.3 **For S001, S022, S066, and S067**, monthly emissions shall be calculated by the end of the subsequent month using the PM and PM₁₀ emission factors (in gr/dscf), hours of operation (as required by Condition 13.3) and the maximum design flow rate of the baghouse (see table below).

Note that the maximum design flow rate shall be converted to dry standard cubic feet for use in the emission calculations. The permittee shall maintain records of actual stack temperature and pressure for this conversion and shall make this information available to the Division upon request.

For all but BH 525-21 (S022): The PM and PM₁₀ emission factor for any baghouse, within an emission group that has been performance tested shall be the results of the most recent performance test. The PM and PM₁₀ emission factor for any baghouse within an emission group that has not been performance tested, shall be the results of the most recent performance test for any baghouse within that emission group that has been performance tested.

For BH 525-21 (S022): The PM and PM₁₀ emission factor shall be the baghouse grain loading specified in the table below.

Monthly emissions of PM and PM₁₀ shall be used in a rolling twelve month total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months' data.

Stack ID / Baghouse ID	Baghouse Grain Loading (gr/dscf)		Design Flow Rate (ACFM)
	PM	PM ₁₀	
S001 / BH 225-3	0.01	0.005	16,100
S022 / BH 525-21	0.03	0.015	5,278
S066 / BH 525-28	0.01	0.005	3,800
S067 / BH 825-7	0.01	0.005	2,600

Compliance with the daily PM₁₀ limitations shall be monitored by dividing the monthly PM₁₀ emissions by the number of days the unit was operated.

Cemex is using the above emission factor and control efficiencies to calculate PM and PM₁₀ emissions from the pug mill and pelletizing machines which appeared to be operated and maintained according to manufacturer's recommendations and good engineering practices. Cemex is using the maximum design flow rate of the control devices and emission rates determined from a stack test conducted on 4/21/2016 to calculate the emissions and demonstrate compliance with the permit limits of the silos and spout loading. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 13.2.4 **For S001 and S066,** performance tests shall be conducted every five (5) years to measure the emission rates of filterable PM and PM₁₀. Performance tests shall be conducted in accordance with the appropriate EPA Test Methods.

Performance testing shall be conducted at a representative baghouse to demonstrate compliance with the grain loading (gr/dscf) requirements. A different baghouse shall be tested during each five year test event, unless all of the baghouses have been tested or Division approval has been received for tested a baghouse that had been tested previously. Once both baghouses have been testes, the permittee shall repeat the process of testing a different baghouse during each five year test event.

Note that performance tests were conducted in April and May 2011 for these sources.

Since S067 is located and vents inside a building performance testing is not required for this baghouse. Since BH 525-21 was not subject to emission limitations prior to the April 1, 2013 revised permit and the emission limitations are based on the grain-loading specified in the table below performance testing is not required for this baghouse.

For purposes of assessing compliance with the annual PM and PM₁₀ emission limitations, the results of the tests shall be converted to a gr/dscf basis and compared to the grain loading requirements included in the table in Condition 13.2.3. Any test result that indicates non-compliance with the grain loading requirements in Condition 13.2.3 shall be considered a violation of the annual emission limitation.

The protocol, test notification and submittal of test report shall meet the requirements specified in Condition 21.

A stack test was performed on BH 225-3 on 4/7/2011 demonstrating compliance with the PM grain loading (gr/dscf) limits. A stack test was performed on BH 525-28 on 4/21/2016 demonstrating compliance with the PM grain loading (gr/dscf) limits. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

13.2.5 **For hauling and disposal (042)**, compliance with the emission limits shall be monitored as follows:

13.2.5.1 Monthly emissions shall be calculated by the end of the subsequent month using the equation included in Appendix H for limestone/rock hauling (from AP-42, Section 13.2.2 (dated 11/06), equation 1a (unpaved surfaces at industrial sites)) and the number of vehicle miles traveled for the month. Monthly emissions shall be used in a rolling twelve month total to monitor compliance with the annual emission limitations.

Compliance with the daily PM₁₀ limitations shall be monitored by dividing the monthly PM₁₀ emissions by the number of days the unit was operated.

Records shall be maintained to verify that the appropriate values of required parameters (silt content and truck weight) have been used in the equation to calculate emissions.

A control efficiency of 80% can be applied to the monthly emission calculations provided the control measures in Condition 13.7.1 have been met.

13.2.5.2 Vehicle miles traveled (VMT) shall be monitored and recorded monthly for use in the emission calculations required by Condition 13.2.5.1. Logs, reports and/or other information used to record and/or determine the monthly VMT shall be maintained and made available to the Division upon request.

13.2.5.3 Records that demonstrate that the one-way haul distance to Pit “C” meets the limitation in Condition 13.8 shall be maintained and made available to the Division upon request.

Cemex is calculating PM and PM₁₀ emissions from truck hauling vehicle miles traveled using the appropriate emission factors and control efficiencies. Cemex is applying the control measures of 13.7.1 as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

13.2.6 **For S066**, the pressure drop across the inlet and outlet of the baghouse shall be monitored and recorded weekly, when the silo is operating. Results of the weekly reading will be recorded in a log book and made available for Division inspection upon request. A reading outside of the manufacturer’s recommendation shall trigger the source to investigate the baghouse performance and make any repairs or adjustments necessary. A log of any repairs shall be maintained and made available upon request. The manufacturer’s recommended pressure drop shall be maintained for Division inspection upon request. Note that the recording of the pressure drop readings is not required on days when the cement silo is not operating.

Differential pressures are recorded weekly to determine proper operation and ensure compliance with the emissions limit. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

13.3 Annual hours of operation shall not exceed the limitations listed in the above summary table (Construction Permit 98BO0315). Hours of operation shall be monitored and

recorded monthly. Monthly hours of operation shall be used in a rolling twelve month total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months' data.

Cemex is maintaining a rolling 12-month total of hours of operation from these sources. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 13.4 Days of operation for these sources shall be monitored and recorded monthly. Days of operation shall be used to determine daily throughput and emissions as specified in Conditions 13.1, 13.2.1, 13.2.3 and 13.2.5.1.

Cemex is maintaining the number of operating days per month and the process rates on a daily, monthly, and rolling 12-month total basis, as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 13.5 On and after the date on which the performance test required to be conducted by §60.8 is completed, you may not discharge into the atmosphere from any affected facility other than the kiln and clinker cooler any gases which exhibit 10 percent opacity, or greater. (40 CFR Part 60 Subpart F § 60.42(c))

Any sources other than kilns (including associated alkali bypass and clinker cooler) that are subject to the 10 percent opacity limit must follow the appropriate monitoring procedures in §63.1350(f) (Condition 22.33), (m)(1) through (4), (10) and (11), (o), and (p) of this chapter. (CFR Part 60 Subpart F § 60.64(b)(3))

No opacities in excess of 10% have been documented from sources subject to this condition. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 13.6 These sources, **except for hauling and disposal**, are subject to the opacity limits set forth in Condition 20 of this permit.

See Condition 20.

13.7 **Hauling and disposal** are subject to the following fugitive particulate matter requirements:

13.7.1 Every owner or operator of a new source or activity that is subject to this Section III.D. and which is required to obtain an emission permit under Regulation No. 3 shall submit a fugitive particulate emission control plan meeting the requirements of this Section III.D. at such time as, and as part of, the required permit application. Such plan shall be approved or disapproved by the division in the course of acting to approve or disapprove the permit application and no emission permit shall be issued until a fugitive particulate emission control plan has been approved. (Colorado Regulation No. 1, Section III.D.1.b)

The following approved measures shall be used to control fugitive particulate matter emissions **from hauling and disposal**. (Construction Permit 98BO0315 and Compliance Order on Consent 2002-124)

A daily inspection of hauling and disposal operations shall be conducted to ensure the emission control elements are in place and effective. In addition, at any time when a fugitive dust problem is observed, the permittee shall take action to correct the problem. The permittee shall maintain records of the date and time of any fugitive dust problem observed, and the type and time of action taken to correct the problem. These records shall be maintained on site for inspection upon request.

13.7.1.1 Transfer points shall be enclosed.

13.7.1.2 Moisture content of the materials prior to transfer to pug mill shall be adequate to effectively control emissions.

13.7.1.3 Haul roads shall be treated with chemical dust suppressants, as often as required, to maintain a surface crust. Such controls shall achieve a minimum control efficiency of 80%.

Records of such application of dust suppressants shall be maintained at the site.

13.7.1.4 At the disposal pit, the material shall be compacted and stabilized to minimize emissions.

13.7.1.5 Haul trucks of 95 tons capacity shall be used to minimize the vehicle-miles traveled. Spillage and exposure to wind shall be minimized by restricting the material load to 75 percent of the volume capacity of the trucks.

13.7.1.6 Spillages and other particulate matter accumulations shall be

cleaned up with the least delay. The permittee shall operate a powered sweeper during the day shift for 12 hours a day, 7 days a week to control accumulations on paved areas. Sweeping shall occur according to this schedule except under the following circumstances: wet pavement, snow/ice covered pavement, or shutdown of the kiln and crushing/drying system for greater than 24 hours. (Construction Permit 98BO0315 and Compliance Order on Consent 2002-124, paragraph 39.a, revised to remove statement regarding operation of the sweeper is the sole assignment of individual.)

- 13.7.1.7 Activities causing fugitive dust emissions shall be suspended when wind speeds reach or exceed 30 miles per hour, averaged over a 60-minute period. Only those activities affected by wind speed, and for which it is possible to “suspend operation” need be shut down (i.e., the permittee cannot “shut down” storage piles, thus this condition would not apply to storage piles). Activities may continue when the average wind speed drops below 30 m.p.h. (Incorporated directly into this operating permit per Section 1, Condition 1.3 of this permit)

The permittee shall install, calibrate, and operate a wind speed instrument which will be used to alert personnel when average wind speeds reach or exceed 30 m.p.h. The permittee shall maintain records of those dates and times when wind speed reaches or exceeds 30 m.p.h, averaged over a sixty minute period.

- 13.7.1.8 Operate an automated sprinkler system to water the active CKD disposal site (Compliance Order on Consent 2002-124, paragraph 42.a).

- a. Sprinklers will be set for 10 minutes or longer on each station. Cycle times will be set for at least one cycle every two hours, except CEMEX may reduce watering if the CKD disposal area is too wet for equipment operations.
- b. The sprinklers will be positioned to cover 100% of the active CKD disposal area.
- c. The sprinkler system will be in service from mid-April through mid-October each year, except during rain, snow, or freezing condition.

- 13.7.1.9 Water trucks will be used to water the active CKD disposal area as follows (Compliance Order on Consent 2002-124, paragraph 42.b):

- a. The access road will be watered at least every three hours during the day, and as needed at night to minimize fugitive emissions. Watering may be reduced or suspended during cold weather if the road is ice covered and such ice cover is sufficient to minimize fugitive emissions.

- b. When the sprinklers are not in service, water trucks will be used to water the active disposal area at least every 3 hours during the day, and as needed at night to minimize fugitive emissions.
- c. Water truck operation as previously described will occur except in the following circumstances: freezing conditions, rain, or snow. As used here, the term “freezing conditions” means weather conditions severe enough to clog the water truck due to freezing. CEMEX shall take reasonable precautions, including but not limited to storing the water truck in a heated garage at night, to prevent such freezing conditions.

13.7.1.10 CEMEX agrees to limit the active disposal or working area of the CKD storage pit to 3 acres at any time. (Compliance Order on Consent 2002-124, paragraph 42.c)

- a. Inactive or unused portions of the pit shall be covered with rock or treated with hygroscopic materials to minimize fugitive emissions.
- b. Signage or berms shall be used to delineate the 3 acre active disposal area.

Cemex monitors wind speed continuously. Records of suspended operations during high wind events are maintained. Cemex operates an automated sprinkler system set to water for 10 minutes every two hours. The sprinklers appear to be effectively controlling emissions from the disposal site. No fugitive dust was observed during the inspection. Cemex operates a water truck at the plant following the above requirements. Water truck is operated each day except when there is precipitation or freezing or when repairs on the vehicles are required. Water trucks have been observed watering the active disposal site during inspections when sprinklers were not in use. Cemex has reduced the size of the active disposal to less than approximately one acre and the remaining area in the quarry was capped with material (waste shale) to control fugitive emissions. Cemex treats unpaved haul roads with calcium chloride several times per year. (In Compliance)

- 13.7.2 If the division determines that a source of activity which is subject to this Section III.D. (whether new or existing) is operating with emissions in excess of 20% opacity and such source is subject to the 20% emission limitation guideline; or if it determines that the source or activity which is subject to this Section III.D. is operating with visible emissions that are being transported off the property on which the source is located and such source is subject to the no off property transport emission limitation guideline; or if it determines that any source or activity which is subject to this Section III.D. is operating with emissions that create a nuisance; it shall require the owner or operator of that source or activity to submit a written plan to the division for the control of fugitive particulate emissions within the time period specified in Section III.D.

Provided, however, that in the case of a source or activity which already has a control plan, the division shall review said control plan and if it determines the plan does not meet the requirements of this Section III.D. it shall require the submission of a revised control plan. (Colorado Regulation No. 1, Section II.D.1.c)

The guidelines that apply to the activities associated **with hauling and disposal** are as follows:

- 13.7.2.1 Storage and Handling of Materials – Both the 20% opacity and the no off-property transport emission limitation guidelines shall apply to storage and handling operations. (Colorado Regulation No. III.D.2.c.(iii))
- 13.7.2.2 Haul Roads - The no off-property transport emission limitation guideline shall apply to on-site haul roads (i.e., those located on and abutted by the property owned or under control of the owner or operator of the haul road) and the nuisance guideline shall apply to off-site haul roads (i.e., those abutted on both sides by property not owned or under the control of the owner or operator of the haul road). (Colorado Regulation No. 1, Section III.D.2.e.(iii))
- 13.7.2.3 Haul Trucks - The no off-property transport emission limitation guideline shall apply to haul trucks; except that when operating off the property of the owner or operator, the applicable guideline shall be no off-vehicle transport of visible emissions. (Colorado Regulation No. 1, Section III.D.2.f.(iii))
- 13.7.2.4 As used herein, “nuisance” shall mean the emission of fugitive particulates that constitutes a private or public nuisance as defined in common law, the essence of which is that such emissions are unreasonable interfering with another person's use and enjoyment of his property. Such interference must be “substantial” in its nature as measured by a standard that it would be of definite offensiveness, inconvenience, or annoyance to a normal person in the community. (Colorado Regulation No. 1, Section III.D.1.c)
- 13.7.2.5 The 20% opacity, no off-property transport, and nuisance emission limitation guidelines of this Section III.D. (as included in Conditions 13.7.2.1 through 13.7.2.3) are not enforceable standards and no person shall be cited for violation thereof pursuant to C.R.S. 1973, 25-7-115 as amended. (Colorado Regulation No. 1, Section III.D.1.e.(iii))

13.7.3 In the event that a revised control plan is requested under the provisions of Condition 13.7.2, the requirements in Condition 1.6.3 shall be met.

- 13.7.4 Violations of these fugitive particulate matter requirements and potential Division enforcement action related to those violations are defined in Condition 1.6.4.

No visible emissions issues were noted from these sources and no off-property transport was observed during the inspection. The source has not been required to submit a written plan to the Division for the control of fugitive particulate emissions from a source that is a source of activity which is subject to Section III.D. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 13.8 Only Pit “C” shall be used for disposal of CKD and Beneficiation Dust. The one-way haul distance is 0.38 mile. (Construction Permit 98BO0315).

Only C Pit is used for CKD and Beneficiation Dust disposal. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 13.9 The following sources are subject to the CAM requirements set forth in Condition 23 of this permit: S001, S022 and S066.

See to Condition 23.

- 13.10 These sources are subject to the requirements in 40 CFR Part 63 Subpart LLL as set forth in Condition 22 of this permit.

Specifically these sources are subject to the operation and maintenance plan requirements and any related recordkeeping and reporting requirements associated with those requirements.

Note that the opacity requirement in 40 CFR Part 60 Subpart F (Condition 13.5) that applies to these sources is more stringent than the opacity limit in 40 CFR Part 63 Subpart LLL (§ 63.1345, Condition 22.6), so as provided for in § 63.1356 (Condition 22.62), these sources do not have to comply with the opacity requirement in § 63.1345. The opacity requirement in § 63.1345 is included in the permit shield for streamlined conditions (Section III.3) of this permit with respect to these sources.

See Condition 22.

14. P018 –General Fugitive Emissions Requirements

AIRs pt 028: Process Fugitives (Lyons Cement Plant) Not Subject to Emission Limitations

AIRs pt 019: Haul Roads (Lyons Cement Plant/Quarry and Dowe Flats Quarry) Not Subject to Emission Limitations

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Fugitive Emission Activity Information	14.1			Recordkeeping	Annually
PM & PM ₁₀ Emissions	14.2			Calculation	Annually
Fugitive or Excess Emission Observations or Complaints	14.3			Document and Investigate	Each Occurrence
Fugitive Particulate Emissions Requirements	14.4			Certification	Semi-Annually

The requirements in Conditions 14.1 and 14.2 apply to process fugitives and haul road emissions not subject to emission limitations. The requirements in Conditions 14.3 and 14.4 apply to the fugitive emission sources addressed in Section II of this permit which include this Condition 14 (those fugitive emissions sources not subject to emission limitations), as well as Conditions 1 (Dowe Flats and Lyons Quarry fugitive dust sources), 3 (storage and handling of raw materials), 11 (outdoor clinker storage and handling) and 13 (CKD and waste dust hauling and disposal) of this permit.

14.1 Records of the annual amount of materials hauled, handled or stored and all other information necessary to estimate emissions from fugitive particulate matter sources, shall be maintained and made available to the Division for inspection upon request.

Records provided by Cemex show the source is tracking the amount of materials hauled, number of vehicle miles traveled per year for both empty and loaded trucks, and calculating the tons of particulate matter. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 14.2 For APEN reporting purposes, annual PM and PM₁₀ emissions shall be estimated using the records obtained under Condition 14.1, and appropriate emissions factors and/or equations and control efficiencies. Records of the calculations shall be kept on site for Division inspection upon request.

NOTE: Some haul roads and/or fugitive emission sources at the Lyons Cement Plant, Lyons Quarry and/or Dowe Flats Quarry are subject to annual emission and throughput limits. These sources are addressed in Section II, Conditions 1 (Dowe Flats and Lyons Quarry fugitive dust sources), 3 (storage and handling of raw materials), 11 (outdoor clinker storage and handling) and 13 (CKD and waste dust hauling and disposal) of this permit.

Cemex is calculating emissions on an annual basis as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 14.3 The permittee shall document all reported observations or complaints from citizens, inspectors, contractors, or employees of fugitive or excess emissions. The permittee will investigate each occurrence and will document its findings and any corrective action taken or implemented. (As provided for in Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate Compliance Order on Consent 2002-124, paragraph 44. The COC, at paragraph 46 requires this requirement to be in the permit.)

Cemex performs daily visible emission observations as part of their daily walk through and CAM requirements and maintains records of all documented observations. Cemex also maintains a record of complaints received by the Division and Boulder County with their response and corrective action. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 14.4 These sources are subject to the following fugitive particulate matter requirements.

NOTE: These requirements are in addition to the fugitive control measures specified in Section II, Conditions 1 (Dowe Flats and Lyons Quarry fugitive dust sources), 3 (storage and handling of raw materials), 11 (outdoor clinker storage and handling) and 13 (CKD and waste dust hauling and disposal) of this permit.

14.4.1 Every owner or operator of a source or activity that is subject to this Section III.D. shall employ such control measures and operating procedures as are necessary to minimize fugitive particulate emissions into the atmosphere through the use of all available practical methods which are technologically feasible and economically reasonable and which reduce, prevent and control emissions so as to facilitate the achievement of the maximum practical degree of air purity in every portion of the State. (Colorado Regulation No. 1, Section III.D.1.a).

The permittee shall utilize the following control measures to minimize fugitive particulate emissions:

14.4.1.1 The permittee shall treat haul roads with chemical dust suppressants or stabilizers as often as necessary to maintain a surface crust, as required in Section II, Condition 13.7.1.3 of this permit. Such materials shall be applied to the haul road to the CKD disposal pit at least every six months. Chemical stabilizers and/or dust suppressants shall be applied in accordance with good engineering practices. Records of good engineering practices, such as records of chemical stabilizer application and manufacturer's recommendations for application shall be maintained and made available to the Division upon request. (As provided for in Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate Compliance Order on Consent 2002-124, paragraph 43. The COC, at paragraph 46 requires this requirement to be in the permit. COC requirement was revised to allow use of any chemical stabilizer or dust suppressant.)

14.4.1.2 The permittee shall use a water application system (such as a water truck or sprinkler system) to minimize fugitive particulate emissions from roads and other traffic areas, loading areas, the edges of clinker piles, and other sources of fugitive particulate matter emissions. (As provided for in Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate Compliance Order on Consent 2002-124, paragraph 41. The COC, at paragraph 46 requires this requirement to be in the permit.) The water truck and/or sprinkler system shall meet the following requirements:

- a. During the day shift, the permittee will operate the plant based water truck on a full time basis, 12 hours a day, 7 days a week. Watering will occur according to this schedule except under the following circumstances: Freezing conditions, snow/ice covered roads, rain, or during a shutdown of the crushing/drying system and the kiln system for greater than 24 hours. As used here, the term "freezing conditions" means weather conditions

severe enough to clog the water truck due to freezing. The permittee shall take reasonable precautions to prevent such freezing conditions. (As provided for in Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate Compliance Order on Consent 2002-124, paragraph 41.a, revised to remove statement regarding operation of the water truck is the sole assignment of individual and to remove specific measure to prevent freezing conditions. The COC, at paragraph 46 requires this requirement to be in the permit.)

- b. The water truck shall be operated during nights as necessary to water such areas adequately to control particulate emissions. (As provided for in Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate Compliance Order on Consent 2002-124, paragraph 41.b. The COC, at paragraph 46 requires this requirement to be in the permit.)
- c. An automated sprinkler system shall be operated in accordance with the following requirements:
 - (i) Sprinklers will be set for 10 minutes or longer on each station. Cycle times will be set for at least one cycle every two hours, except that the permittee may reduce watering if the area becomes too wet for operations.
 - (ii) The sprinkler system shall be positioned to cover 100% of the affected area.
 - (iii) The sprinkler system shall be in service from mid-April through mid-October each year, except during rain, snow or freezing conditions.

14.4.1.3 The permittee shall install and operate a truck wash system to minimize tracking out of any materials. The truck wash system shall be used to wash cement spillage off of cement transport trucks before the trucks leave the facility. Operation of the truck wash is not required when ambient temperatures are such that use of the truck wash creates a safety hazard due to ice formation and when the truck wash is non-operational. When the truck wash is not in use, the permittee shall use alternate methods of removing cement spillage from the trucks before they leave the facility. The permittee shall keep records of the time periods when the truck wash is not used because it is non-operational and shall make such records available to the Division upon request. The truck wash shall be repaired as soon as practicable after break-downs.

NOTE: Some fugitive emission sources at the Lyons Cement Plant are subject to other fugitive control measures. These sources are addressed in Section II, Conditions 1 (Dowe Flats and Lyons Quarry fugitive dust sources), 3 (storage and handling of raw materials), 11 (outdoor clinker storage and handling) and 13 (CKD and waste dust hauling and disposal) of this permit.

- 14.4.2 If the division determines that a source of activity which is subject to this Section III.D. (whether new or existing) is operating with emissions in excess of 20% opacity and such source is subject to the 20% emission limitation guideline; or if it determines that the source or activity which is subject to this Section III.D. is operating with visible emissions that are being transported off the property on which the source is located and such source is subject to the no off property transport emission limitation guideline; or if it determines that any source or activity which is subject to this Section III.D. is operating with emissions that create a nuisance; it shall require the owner or operator of that source or activity to submit a written plan to the division for the control of fugitive particulate emissions within the time period specified in Section III.D. Provided, however, that in the case of a source or activity which already has a control plan, the division shall review said control plan and if it determines the plan does not meet the requirements of this Section III.D. it shall require the submission of a revised control plan. (Colorado Regulation No. 1, Section III.D.1.c).

The guidelines that apply to these activities are as follows:

- 14.4.2.1 Storage and Handling of Materials – Both the 20% opacity and the no off-property transport emission limitation guidelines shall apply to storage and handling operations. (Colorado Regulation No. III.D.2.c.(iii))
- 14.4.2.2 Haul Roads - The no off-property transport emission limitation guideline shall apply to on-site haul roads (i.e., those located on and abutted by the property owned or under control of the owner or operator of the haul road) and the nuisance guideline shall apply to off-site haul roads (i.e., those abutted on both sides by property not owned or under the control of the owner or operator of the haul road). (Colorado Regulation No. 1, Section III.D.2.e.(iii))
- 14.4.2.3 Haul Trucks - The no off-property transport emission limitation guideline shall apply to haul trucks; except that when operating off the property of the owner or operator, the applicable guideline shall be no off-vehicle transport of visible emissions. (Colorado Regulation No. 1, Section III.D.2.f.(iii))
- 14.4.2.4 As used herein, “nuisance” shall mean the emission of fugitive particulates that constitutes a private or public nuisance as defined in common law, the essence of which is that such emissions are unreasonable interfering with another person's use and enjoyment

of his property. Such interference must be “substantial” in its nature as measured by a standard that it would be of definite offensiveness, inconvenience, or annoyance to a normal person in the community. (Colorado Regulation No. 1, Section III.D.1.c)

14.4.2.5 The 20% opacity, no off-property transport, and nuisance emission limitation guidelines of this Section III.D. (as included in Conditions 14.4.2.1 through 14.4.2.3) are not enforceable standards and no person shall be cited for violation thereof pursuant to C.R.S. 1973, 25-7-115 as amended. (Colorado Regulation No. 1, Section III.D.1.e.(iii))

14.4.3 In the event that a revised control plan is requested under the provisions of Condition 14.4.2, the requirements in Condition 1.6.3 shall be met.

14.4.4 Violations of these fugitive particulate matter requirements and potential Division enforcement action related to those violations are defined in Condition 1.6.4.

Cemex treats unpaved haul roads with calcium chloride semiannually. Records reviewed during previous inspections indicate the dust suppressant solution has a calcium chloride concentration of 28-45% and treatments were applied twice per year. Watering at Dowe Flats is conducted daily with a dedicated water wagon at the mine to be used when the mine is in operation. There is no indication that fugitive dust from the unpaved haul roads at Dowe Flats was not adequately minimized. The source reported on Jan. 7, 2018, 11:23 a.m.-6 p.m.; Jan. 8, 2018, 6:40 a.m.-6 p.m.; Jan. 9, 2018, 6 a.m.-12 p.m.: The water truck was operated for less than 12 hours even as the crushing/drying (O2) system operated. Cemex is operating a truck wash, as required, and trucks are channeled through the truck wash with barricades after loading with cement. No evidence of vehicle carry out was observed. No fugitive dust issues have been noted since the last inspection requiring the submittal of a fugitive particulate emission control plan. The source failed to operate the plant based water truck on a full time basis, 12 hours a day. (Not In Compliance)

15. Gasoline Storage Tank, 3,000 Gallon Capacity

Parameter	Permit Condition Number	Limitations	Compliance Emission Factor	Monitoring	
				Method	Interval
Transfer of Gasoline	15.1			See Condition 15.1	
Equipment Requirements	15.2			Certification	Annually
Vapor Control	15.3			Certification	Annually

Parameter	Permit Condition Number	Limitations	Compliance Emission Factor	Monitoring	
				Method	Interval
System					
Disposal of Gasoline	15.4			Certification	Annually

Note that this emission unit is exempt from the APEN reporting requirements in Regulation No.3, Part A and the construction permit requirements in Regulation No. 3, Part B provided actual, uncontrolled emissions are less than the APEN de minimis level.

**Compliance Status: T001 - Gasoline Storage Tank
3,000-Gallon Capacity**

Parameter	Limitations	Reported Data
Throughput Rate	No limit	9,980 gallons
VOC	No limit	0.06 tons

Cemex is recording fuel throughput and calculating emissions on a monthly and rolling 12-month total basis. Cemex provided the reported data in the table above for the rolling 12-month period ending July 2018.

- 15.1 The owner or operator of storage tanks at a gasoline dispensing facility, which receives and stores gasoline, shall not allow the transfer of petroleum liquid from any delivery vessel into any tank unless the tank is equipped with a submerged fill pipe and the vapors displaced from the storage tank during filling are processed by a vapor control system (Colorado Regulation No. 7, Section VI.B.3). Compliance with this requirement shall be monitored by meeting the requirements in Conditions 15.2 and 15.3.
- 15.2 Tanks equipped with a submerged fill pipe shall meet the specifications of Regulation No. 7, Appendix A (Colorado Regulation No. 7, Section VI.B.3.c).
- 15.3 The vapor control system shall meet the following requirements:
 - 15.3.1 Vapor control system shall include a vapor-tight line from the storage tank to delivery vessel (Colorado Regulation No. 7, Section VI.B.3.d.(i)).
 - 15.3.2 The owner or operator shall ensure that operating procedures are used so that gasoline cannot be transferred into the tank unless the vapor control system is in use (Colorado Regulation No. 7, Section VI.B.3.e).
 - 15.3.3 This tank shall only be filled with gasoline from a certified (in accordance with Colorado Regulation No. 7, Section VI.D) delivery truck equipped with an approved gasoline vapor collection system. The permittee's operating procedures shall include this requirement.

- 15.4 No owner or operator of a gasoline dispensing facility shall permit gasoline to be intentionally spilled, discarded in sewers, stored in open containers, or disposed of in any manner that would result in evaporation (Colorado Regulation No. 7, Section V.B). The permittee's operating procedures for gasoline dispensing shall include these requirements.

Cemex's gasoline storage tank is equipped with a submerged fill pipe and a vapor return hose that is connected to the tanker truck to capture the vapors displaced by the tank filling procedure. Fuel delivery was not observed during the inspection, however, previous inspections reviewed the standard operating procedure for Cemex employees is to observe the fuel delivery and verify the use of the vapor return lines to minimize emissions. No evidence of gasoline intentionally spilled or allowed to evaporate was observed. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

16. Daily Visible Emissions Observations

- 16.1 A daily plant walk through shall be performed to look for visible emissions. During the walk through, an observer will survey the plant, including remote locations of the facility (i.e. Dowe Flats Quarry and conveyor and ckd disposal site) from at least five (5) observation points to observe visible emissions, except as provided for in Condition 16.3. From these locations together, all of the facility's baghouses and material transfer points can be observed.

- 16.1.1 If visible emissions are observed from any stack, the following applies:

- 16.1.1.1 The permittee shall undertake the appropriate corrective process and/or maintenance actions as soon as practicable. When these actions are completed, that stack will be observed again.
- 16.1.1.2 If, after the actions taken in Condition 16.1.1.1, visible emissions persist, the permittee shall perform a Method 9 test of that stack.
- 16.1.1.3 Subject to the provisions of C.R.S. 15-7-123 and in the absence of credible evidence to the contrary, exceedance of the limit shall be considered to exist from the time a Method 9 reading is taken that shows an exceedance of the opacity limit until a Method 9 reading is taken that shows the opacity is less than the opacity limit.
- 16.1.1.4 All opacity observations shall be performed by an observer with current and valid Method 9 certification. Results of Method 9 readings and a copy of the certified Method 9 reader's certificate shall be kept on site and made available to the Division upon request.

- 16.1.2 If visible emissions from fugitive sources are noted, the following applies:

- 16.1.2.1 The permittee shall investigate to insure that the provisions of the appropriate fugitive dust control plan are being implemented. If necessary, additional actions shall be taken to minimize visible emissions.
- 16.2 Records shall be maintained of the daily observations including the location(s) of the visible emission observations, the results of the observations, any corrective or additional actions taken or maintenance conducted and any follow-up observations and the results of those observations.
- 16.3 The number of locations for the daily visible emission observations may be reduced under the following circumstances:
 - 16.3.1 Daily visible emission observations are not required at remote locations on days when operations are not occurring at these locations.
 - 16.3.2 Daily visible emission observations are not required at remote locations on days when operations are not occurring for four (4) consecutive daylight hours or more.
 - 16.3.3 Daily visible emission observations are not required at the cement plant on days when the plant equipment is not operating.
 - 16.3.4 Daily visible emission observations are not required at the cement plant on days when the plant equipment is not operating for four (4) consecutive daylight hours or more.
- 16.4 The daily walk through for visible emissions does not apply to the kiln and clinker cooler, which are equipped with opacity monitors.
- 16.5 The daily walk through for visible emissions is in addition to the other visible emission observations required by other conditions in this permit (e.g. Condition 20.5.1, CAM (Condition 23 and Appendix G), NSPS OOO (Condition 2.2) and NESHAP LLL (Condition 22))

Cemex maintains records of daily inspections for visible emissions from 5 observation points. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

17. Cold Cleaner Solvent Vats

Parameter	Permit Condition Number	Limitations	Compliance Emission Factor	Monitoring	
				Method	Interval
Work Practice Standards	17.1			Certification	Annually
Transfer and Storage of Waste Solvents	17.2			Certification	Annually

Note that these emission units are exempt from the APEN reporting requirements in Regulation No. 3, Part A and the construction permit requirements in Regulation No. 3, Part B.

17.1 The design and operation of these cold cleaner solvent vats shall meet the standards defined in Colorado Regulation 7, Section X.B. The permittee's operating procedures for solvent cleaning shall include these requirements.

17.2 The transfer and storage of waste and used solvents from the cold cleaner solvent vats are subject to the following requirements (Colorado Regulation No. 7, Section X.A.3 and 4):

17.2.1 In any disposal or transfer of waste or used solvent, at least 80 percent by weight of the solvent/waste liquid shall be retained (i.e., no more than 20 percent of the liquid solvent/solute mixture shall evaporate or otherwise be lost during transfers).

17.2.2 Waste or used solvents shall be stored in closed containers unless otherwise required by law.

The permittee's operating procedures for the solvent vats and contracts and/or agreements with contractors to service these vats shall include these requirements.

The cold cleaners are operated and maintained according to the requirements above. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

18. Continuous Emission Monitoring and Continuous Opacity Monitoring Systems

The requirements in this Condition 18 apply to the continuous emission and opacity monitoring systems utilized by the kiln and dryer to assess compliance with emissions limitations and standards, other than those found in 40 CFR Part 63 Subpart LLL, "National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry" (Condition 22).

Those monitoring systems utilized for monitoring compliance with 40 CFR Part 63 Subpart LLL requirements, in addition to other emission limits or standards, may also be subject to requirements in 40 CFR Part 63 Subpart LLL (Condition 22).

18.1 Equipment and QA/QC Requirements

18.1.1 The Continuous Emission Monitoring Systems (CEMS) are subject to the applicable requirements in 40 CFR Part 60. These CEMS are subject to the quality assurance/quality control requirements in 40 CFR Part 60, Subpart A § 60.13(d) and Appendix F and Condition 18.1.1.3. The monitoring systems shall meet the equipment, installation and performance specifications as follows:

18.1.1.1 The NO_x, SO₂ and diluent (CO₂ or O₂) monitors shall meet the equipment, installation and performance specifications of 40 CFR Part 60 Appendix B, Performance Specifications 2 and 3. In addition, the NO_x CEMS shall meet the equipment, installation and performance specifications of 40 CFR Part 60 Appendix B, Performance Specification 6. (paragraph 11 of Consent Decree (09-cv-0019-MEK-MEH) filed on April 19, 2013)

18.1.1.2 The CO monitor shall meet the equipment, installation and performance specifications of 40 CFR Part 60 Appendix B, Performance Specification 4/4A and 6.

18.1.1.3 The NO_x, SO₂ and CO CEMS are subject to the following requirements:

a. Relative Accuracy Test Audits (RATAs): RATAs shall be conducted in the units (e.g., lb/MMBtu, ppm) of the emission limitation for all of the emission limitations that are applicable to the emissions unit. The RATAs for emissions units that have annual emission limits (tons/yr) will be conducted in terms of pounds per hour (lb/hr).

b. The DAHS shall be able to record and manipulate the data in the units (e.g., lb/MMBtu, ppm) of the emission limitation and meet the reporting requirements for all of the emission limitations that are applicable to the emissions unit.

18.1.2 The COMS are subject to the applicable requirements in 40 CFR Part 60. Each continuous opacity monitoring system shall meet the design, installation, equipment and performance specifications in 40 CFR Part 60, Appendix B, Performance Specification 1.

18.1.3 Quality assurance/quality control plans shall be prepared for the continuous emission monitoring systems in accordance with the applicable requirements in 40 CFR Part 60, Appendix F. The quality assurance/quality control plans

shall be made available to the Division upon request. Revisions shall be made to the plans at the request of the Division.

18.1.4 40 CFR Part 60 Subpart A § 60.13(d) requirements:

18.1.4.1 Owners and operators of a CEMS installed in accordance with the provisions of this part, must check the zero (or low level value between 0 and 20 percent of span value) and span (50 to 100 percent of span value) calibration drifts at least once daily in accordance with a written procedure. The zero and span must, as a minimum, be adjusted whenever either the 24-hour zero drift or the 24-hour span drift exceeds two times the limit of the applicable performance specification in Appendix B of this part. The system must allow the amount of the excess zero and span drift to be recorded and quantified whenever specified. Owners and operators of a COMS installed in accordance with the provisions of this part, must automatically, intrinsic to the opacity monitor, check the zero and upscale (span) calibration drifts at least once daily. For a particular COMS, the acceptable range of zero and upscale calibration materials is as defined in the applicable version of PS-1 in appendix B of this part. For a COMS, the optical surfaces, exposed to the effluent gases, must be cleaned before performing the zero and upscale drift adjustments, except for systems using automatic zero adjustments. The optical surfaces must be cleaned when the cumulative automatic zero compensation exceeds 4 percent opacity. (60.11(d)(1))

18.1.4.2 Unless otherwise approved by the Administrator, the following procedures must be followed for a COMS. Minimum procedures must include an automated method for producing a simulated zero opacity condition and an upscale opacity condition using a certified neutral density filter or other related technique to produce a known obstruction of the light beam. Such procedures must provide a system check of all active analyzer internal optics with power or curvature, all active electronic circuitry including the light source and photodetector assembly, and electronic or electro-mechanical systems and hardware and or software used during normal measurement operation. (60.13(d)(2))

18.2 General Provisions

18.2.1 Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under Condition 18.1.4, all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements as follows (60.13(e)):

18.2.1.1 All continuous monitoring systems referenced by paragraph (c) of this section for measuring opacity of emissions shall complete a

minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period. (60.13(e)(1))

- 18.2.1.2 All continuous monitoring systems referenced by paragraph (c) of this section for measuring emissions, except opacity, shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. (60.13(e)(2))
- 18.2.2 All continuous monitoring systems or monitoring devices shall be installed such that representative measurements of emissions or process parameters from the affected facility are obtained. Additional procedures for location of continuous monitoring systems contained in the applicable Performance Specifications of appendix B of this part shall be used. (60.13(f))
- 18.2.3 Owners or operators of all continuous monitoring systems for measurement of opacity shall reduce all data to 6-minute averages and for continuous monitoring systems other than opacity to 1-hour averages for time periods as defined in § 60.2. Six-minute opacity averages shall be calculated from 36 or more data points equally spaced over each 6-minute period. (60.13(h)(1))
- 18.2.4 For continuous monitoring systems other than opacity, 1-hour averages shall be computed as specified in 60.13(h)(2)(i) through (ix), except that the provisions pertaining to the validation of partial operating hours are only applicable for affected facilities that are required by the applicable subpart to include partial hours in the emission calculations (60.13(h)(2)).
- 18.2.5 All excess emissions shall be converted into units of the standard using the applicable conversion procedures specified in the applicable subpart. After conversion into units of the standard, the data may be rounded to the same number of significant digits used in the applicable subpart to specify the emission limit. (60.13(h)(3))
- 18.2.6 Alternative monitoring system, alternative reference method, or any other alternative for the required continuous emission monitoring systems shall not be used without having obtained prior written approval from the appropriate agency, either the Division or the U.S. EPA, depending on which agency is authorized to approve such alternative under applicable law. Any alternative continuous emission monitoring systems or continuous opacity monitoring systems must be certified in accordance with the requirements of 40 CFR Part 60. Guidelines for alternatives to monitoring procedures or requirements and relative accuracy (RA) tests are provided in § 60.13(i) and (j).
- 18.2.7 All test and monitoring equipment, methods, procedures and reporting shall be subject to the review and approval by the appropriate agency, either the Division or the U.S.EPA, depending on which agency is authorized to approve such alternative under applicable law, prior to any official use. The Division

shall have the right to inspect such equipment, methods and procedures and data obtained at any time. The Division shall provide a witness(s) for any and all tests as Division resources permit.

- 18.2.8 A file shall be maintained of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by applicable portions of 40 CFR Part 60 Subpart A and Appendices B and F recorded in a permanent form suitable for inspection.

18.3 Recordkeeping Requirements

- 18.3.1 Any owner or operator subject to the provisions of this part shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative. (60.7(b))

- 18.3.2 Any owner or operator subject to the provisions of this part shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records, except as provided for in § 60.13(f). (60.13(f))

18.4 Reporting Requirements

- 18.4.1 Each owner or operator required to install a continuous monitoring device shall submit excess emissions and monitoring systems performance report (excess emissions are defined in applicable subparts) and-or summary report form (see Condition 18.4.2) to the Division semiannually, except when: more frequent reporting is specifically required by an applicable subpart; or the Division, on a case-by-case basis, determines that more frequent reporting is necessary to accurately assess the compliance status of the source. All reports shall be postmarked by the 30th day following the end of each six-month period. Written reports of excess emissions shall include the following information (60.7(c)):

- 18.4.1.1 The magnitude of excess emissions computed in accordance with § 60.13(h), any conversion factor(s) used, and the date and time of

commencement and completion of each time period of excess emissions. The process operating time during the reporting period. (60.7(c)(1))

18.4.1.2 Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected facility. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted. (60.7(c)(2))

18.4.1.3 The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments. (60.7(c)(3))

18.4.1.4 When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report. (60.7(c)(4))

18.4.2 The summary report form shall contain the information and be in the format shown in figure 1 of § 60.7 unless otherwise specified by the Division. One summary report form shall be submitted for each pollutant monitored at each affected facility. (60.7(d))

18.5 Specific Provisions for using an SO₂ CEMS for 40 CFR Part 63 Subpart LLL HCl limit

18.5.1 The span value for the SO₂ CEMS monitor is the SO₂ emission concentration that corresponds to 125 percent of the applicable emissions limit at full clinker production capacity and the expected maximum fuel sulfur content. (60.63(f)(3))

18.5.2 You must conduct performance evaluations of each SO₂ CEMS monitor according to the requirements in §60.13(c) and Performance Specification 2 of appendix B to this part (part 60). You must use Methods 6, 6A, or 6C of appendix A-4 to this part (part 60) for conducting the relative accuracy evaluations. The method ASME PTC 19.10-1981, "Flue and Exhaust Gas Analyses," (incorporated by reference—see §60.17) is an acceptable alternative to Method 6 or 6A of appendix A-4 to this part. (60.63(f)(4))

18.5.3 You must comply with the quality assurance requirements in Procedure 1 of appendix F to this part (part 60) for each NO_x and SO₂ CEMS, including quarterly accuracy determinations for monitors, and daily calibration drift tests. (60.63(f)(5))

The CEMS are installed and maintained in accordance with the requirements in 40 CFR Part 60 as required. Annual RATAs were performed as required. Calibrations are performed daily. The source reported no instances of excessive monitor downtime during the inspection period. COMS

are installed and maintained in accordance with the requirements in 40 CFR Part 60. The source maintains a CEMS/COMS QA/QC plan. No requests for changes have been made by the Division. The COMS DAHS calculates opacity based on 6 minute block periods as required. 1-hour averages are computed as required. The source submitted EERs on-time and did not report any excessive monitor downtime during the inspection period. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

19. Baghouse Operation and Maintenance

Routine maintenance of and operational procedures performed on the baghouses shall be conducted in accordance with manufacturer's specifications and/or good engineering practices. Routine maintenance and operational procedures shall be in written format. A copy of the operating and maintenance procedures, schedules for maintenance and/or inspection activities and records related to the operation and maintenance of the baghouses and good engineering practices, such as records of routine maintenance and/or inspections shall be maintained and made available to the Division upon request.

The differential pressure change across the baghouses (kiln and clinker cooler) is monitored continually from the control room. Cemex conducts weekly inspections of the baghouses and all maintenance activities are tracked by work order requests. During the inspection it was observed that the door at the top of A-frame (P010) was open and the baghouse controlling the area (BH 525-17) had a differential pressure (DP) that was out of the acceptable range identified. During the inspection baghouse BH 525-17 was not operating in accordance with the requirements in Condition 19 (See Condition 11.4). (Not In Compliance)

20. Colorado Regulation No. 1 Opacity Requirements

These limits apply only to those sources, which are referred to this Condition throughout this permit.

20.1 Except as provided in Condition 20.2, below, no owner or operator of a source shall allow or cause the emission into the atmosphere of any air pollutant which is in excess of 20% opacity. This standard is based on 24 consecutive opacity readings taken at 15-second intervals for six minutes. The approved reference test method for visible emissions measurement is EPA Method 9 (40 CFR Part 60, Appendix A (July, 1992)) in all subsections of Section II.A of Regulation No. 1. (Colorado Regulation No. 1, II.A.1).

20.2 No owner or operator of a source shall allow or cause to be emitted into the atmosphere any air pollutant resulting from the building of a new fire, cleaning of fire boxes, soot blowing, start-up, any process modification, or adjustment or occasional cleaning of control equipment, which is in excess of 30% opacity for a period or periods aggregating

more than six minutes in any sixty consecutive minutes (Colorado Regulation No. 1, Section II.A.4).

Compliance with these opacity limits shall be monitored as follows:

- 20.3 Baghouses shall be operated and maintained in accordance with the requirements in Condition 19.
- 20.4 Daily visible emission observations shall be conducted in accordance with the requirements in Condition 16.
- 20.5 Compliance with the 30% limit set forth in Condition 20.2 shall be monitored as follows:
 - 20.5.1 Visual emission observations shall be conducted in accordance with EPA Method 9, if any of the activities listed in Condition 20.2 occurs continuously for one hour or more. A reading shall be conducted within one hour and ten minutes of commencement of any of the above activities and every 1 hour thereafter during the activity.
 - 20.5.2 The permittee shall maintain records of the type of activity and the day, time and length for which any activity listed in Condition 20.2 occurs.
 - 20.5.3 Subject to the provisions of C.R.S. 25-7-123.1 and in the absence of credible evidence to the contrary, exceedance of the limit shall be considered to exist from the time a Method 9 reading is taken that shows an exceedance of the opacity limit until a Method 9 reading is taken that shows the opacity is less than the opacity limit.
 - 20.5.4 These records, results of Method 9 readings, and a copy of the Method 9 reader's certification, shall be maintained and made available to the Division for inspection upon request.

The sources, which are referred to this Condition throughout this permit, are below.

AIRs pt 027: S055, Primary Crusher (Quarry)

AIRS pt 026: S056 – S064 - Belt Conveyor, Radial Stacker to Stockpiles

AIRS pt 024: Discharge of Primary-Crushed Raw Materials onto Open Stockpile and S009 - Front End Loader Activity

AIRs pt 001: S002 - Primary Crusher (Plant Site) and S004 – Surge Silo

AIRs pt 002: S005 Raw Materials Dryer

AIRS pt 003: Secondary Crushing and Screening (vents to S001) and S003 - #4 Belt Transfer

AIRs pt 004: S006 through S008 - Raw Materials Storage Silos

AIRs pt 005: S010 - Raw Material Grinding, S011 – Raw Material Separator, S012 – Raw Mill Feeders and S013 - Iron/Silica Silo

AIR pt 006: S014 - Homogenizing Silo and S015 Kiln Feed Silo

AIRS pt 008 (P008): S017 – Clinker Drag Chains, S023 Drag Conveyor, S024B – Outside Clinker Drop Hood

AIRs pt 009 (P009): S021 – Top of A Frame (belt 529-30 to 529-63), S026, S027, S029, S030, S031 – Weigh Feeders 1, 2, 4, 5 and 6, S032 – Bottom of A-Frame Transfer, S024 - #2 Clinker Silo, S038 – Surge Bin, S035 – Discharge of 629-3 Belt, S039 - S041 – Finish Mill Weigh Feeders, S038 – Surge Bin , and S033 - Gypsum/Limestone from 529-31 belt to Silos

AIRs pt 010 (P010): S034 - #6 Reclaim Feeder and S051 - Top of A Frame from 529-9 belt to 529-30 belt

AIRs pt 011 (P011): S036 – Finish Mill, S037 – Finish Mill Auxiliary Dust Collector and Grinding and Limestone Handling

AIRs pt 031 (P012): S065 – Finish Mill Separator and S069Clinker Baghouse Dust to Finish Mill (SEP project)

AIRs pt 013 (P013) – S043 – Cement Storage Silos A10 and A13, S044 – Cement Storage Silo A7, S045 – Cement Finish Silo A2, S046 - Packhouses East and West (loading spouts) and S048 - Recirculating System

AIRs pt 014: S020 - Coal Silo/Elevator, S019 – Material Unloading Hopper (Railcar), S025 – Material Unloading Hopper and Spout (Trucks), and Outdoor Coal Storage

AIRs pt 049: S001 – Waste Dust Silo, S022 – Kiln Return Dust Silo, S066 – Cement Silo A5, S067 – CKD Loading Spout, 041 - Pug Mill/Truck Loading

AIRs pt 050: Cement Rail Car Unloading and Handling System – hopper, screw conveyor and pneumatic transfer system

During the inspection the east-facing man-access door at the top of A-frame (P010) was open and the baghouse BH 525-17 controlling P010 was not operating in accordance with the requirements in Condition 19 (See condition 11.4). Fugitive emissions were observed and the source shutdown the process once the problem was noticed; no Method 9 was performed. During the inspection baghouse BH 525-17 was not operating in accordance with the requirements in Condition 19. (Not In Compliance)

21. Particulate Matter Performance Testing

This requirement applies only to those sources, which are referred to this condition throughout this permit (see Conditions 5.6.2, 11.4.3 and 13.2.4). Performance testing for filterable particulate matter emissions shall be performed in accordance with the requirements and procedures set forth in the appropriate EPA Test Methods. Frequency of testing and the specific emission limitations for which testing is required shall be as specified for those sources which are referred to this condition.

A stack testing protocol shall be submitted for Division approval at least thirty (30) calendar days prior The test protocol, test, and test report must be in accordance with the requirements of the APCD Compliance Test Manual (<https://www.colorado.gov/pacific/cdphe/inspections-and-enforcement>). A stack testing protocol shall be submitted for Division approval at least forty-five (45) calendar days prior to any performance of the test required under this condition. No stack test required herein shall be performed without prior approval of the protocol by the Division.

The Division reserves the right to witness the test. In order to facilitate the Division's ability to make plans to witness the test, notice of the date(s) for the stack test shall be submitted to the Division at least thirty (30) calendar days prior to the test. The Division may for good cause shown, waive this thirty (30) day notice requirement. In instances when a scheduling conflict is presented, the Division shall immediately contact the permittee in order to explore the possibility of making modifications to the stack test schedule. The compliance test results shall be submitted to the Division within forty-five (45) calendar days of the completion of the test unless a longer period is approved by the Division.

The sources, which are referred to this Condition throughout this permit, are below.

AIRs pt 002: S005 Raw Materials Dryer

AIRs pt 009 (P009): S021 – Top of A Frame (belt 529-30 to 529-63), S026, S027, S029, S030, S031 – Weigh Feeders 1, 2, 4, 5 and 6, S032 – Bottom of A-Frame Transfer, S024 - #2 Clinker Silo, S038 – Surge Bin, S035 – Discharge of 629-3 Belt, S039 - S041 – Finish Mill Weigh Feeders, S038 – Surge Bin , and S033 - Gypsum/Limestone from 529-31 belt to Silos

AIRs pt 010 (P010): S034 - #6 Reclaim Feeder and S051 - Top of A Frame from 529-9 belt to 529-30 belt

AIRs pt 011 (P011): S036 – Finish Mill, S037 – Finish Mill Auxiliary Dust Collector and Grinding and Limestone Handling

AIRs pt 031 (P012): S065 – Finish Mill Separator and S069Clinker Baghouse Dust to Finish Mill (SEP project)

AIRs pt 013 (P013) – S043 – Cement Storage Silos A10 and A13, S044 – Cement Storage Silo A7, S045 – Cement Finish Silo A2, S046 - Packhouses East and West (loading spouts) and S048 - Recirculating System

AIRs pt 049: S001 – Waste Dust Silo, S022 – Kiln Return Dust Silo, S066 – Cement Silo A5

The source has submitted testing protocols to the Division prior to the testing and stack tests have been conducted for each emission point as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

22. National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry

Those sources throughout Section II of this permit that are referred to this condition are subject to the requirements of 40 CFR Part 63, Subpart LLL, “National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry”.

The requirements below reflect the current rule language as of the revisions to 40 CFR Part 63 Subpart LLL published in the Federal Register on July 27, 2015. However, if revisions to this Subpart are published at a later date, the owner or operator is subject to the requirements contained in the revised version of 40 CFR Part 63, Subpart LLL.

Please note that a direct final rule was published in the Federal Register on July 25, 2016. Provided that no adverse comments are received by August 24, 2016, the provisions take

effected on September 8, 2016. The direct final rule corrects an inadvertent error and temporarily revises the testing and monitoring requirements for HCl due to the current unavailability of calibration gas. Therefore, the requirements below may change in the future.

The relevant requirements in 40 CFR Part 63 Subpart LLL that apply to these sources, are as follows:

Definitions (§ 63.1341)

- 22.1 All definitions in § 63.1341 apply but the following definitions have been included in the permit in order to provide more clarity to the requirements.
- 22.1.1 *Open clinker storage pile* means a clinker storage pile on the ground for more than three days that is not completely enclosed in a building or structure.
- 22.1.2 *Operating day* means any 24-hour period beginning at 12:00 midnight during which the kiln produces any amount of clinker. For calculating the 30-day rolling average emissions, kiln operating days do not include the hours of operation during startup or shutdown.
- 22.1.3 *Rolling average* means the weighted average of all data, meeting QA/QC requirements or otherwise normalized, collected during the applicable averaging period. The period of a rolling average stipulates the frequency of data averaging and reporting. To demonstrate compliance with an operating parameter a 30-day rolling average period requires calculation of a new average value each operating day and shall include the average of all the hourly averages of the specific operating parameter. For demonstration of compliance with an emissions limit based on pollutant concentration a 30-day rolling average is comprised of the average of all the hourly average concentrations over the previous 30 operating days. For demonstration of compliance with an emissions limit based on lbs-pollutant per production unit the 30-day rolling average is calculated by summing the hourly mass emissions over the previous 30 operating days, then dividing that sum by the total production during the same period.
- 22.1.4 *Shutdown* means the cessation of kiln operation. Shutdown begins when feed to the kiln is halted and ends when continuous kiln rotation ceases.
- 22.1.5 *Startup* means the time from when a shutdown kiln first begins firing fuel until it begins producing clinker. Startup begins when a shutdown kiln turns on the induced draft fan and begins firing fuel in the main burner. Startup ends when feed is being continuously introduced into the kiln for at least 120 minutes or when the feed rate exceeds 60 percent of the kiln design limitation rate, whichever occurs first.

Standards: General (§ 63.1342)

- 22.2 Table 1 to this subpart provides cross references to the 40 CFR part 63, subpart A, general provisions, indicating the applicability of the general provisions requirements to subpart LLL. (63.1342) These requirements include but are not limited to the following:
- 22.2.1 Prohibited activities and circumvention in § 63.4.
 - 22.2.2 Compliance with standards and maintenance requirements in §63.6, except for paragraphs (b)(6), (c)(3) thru (4), (d), (e)(1) thru (3), (f)(1), (h)(1),(3) and (5)(ii) thru (iv) and (i)(15) Note the general duty provisions in 63.1348(d) replace those in (e)(1)(i).
 - 22.2.3 Performance testing requirements in §63.7, except for paragraph (e)(1). Note that the conduct of performance test requirements in 63.1349(e) replace those in (e)(1).
 - 22.2.4 Monitoring requirements in §63.8, except for paragraphs (a)(2) thru (4). Paragraph (d) applies except for the reference to SSM plan in the last sentence.
 - 22.2.5 Notification requirements in § 63.9, except for paragraph (h)(4).
 - 22.2.6 Recordkeeping and reporting requirements in §63.10, except for paragraphs (b)(2)(i) thru (ii) and (iv) thru (v), (c)(2) thru (4) and (9), (d)(5) and (e)(3)(vii) and (viii). Note that the reporting requirements in 63.1354(c) replace the requirements in 63.10(d)(5).

What standards apply to my kilns, clinker coolers, raw material dryers, and open clinker storage piles? (§ 63.1343)

- 22.3 *General.* The provisions in this section apply to each kiln and any alkali bypass associated with that kiln, clinker cooler, raw material dryer, and open clinker storage pile. All D/F, HCl, and total hydrocarbon (THC) emissions limit are on a dry basis. The D/F, HCl, and THC limits for kilns are corrected to 7 percent oxygen. All THC emissions limits are measured as propane. Standards for mercury and THC are based on a rolling 30-day average. If using a CEMS to determine compliance with the HCl standard, this standard is based on a rolling 30-day average. You must ensure appropriate corrections for moisture are made when measuring flow rates used to calculate mercury emissions. The 30-day period means all operating hours within 30 consecutive kiln operating days excluding periods of startup and shutdown. All emissions limits for kilns, clinker coolers, and raw material dryers currently in effect that are superseded by the limits below continue to apply until the compliance date of the limits below, or until the source certifies compliance with the limits below, whichever is earlier. (63.1343(a))
- 22.4 *Kilns, clinker coolers, raw material dryers, raw mills, and finish mills.* (1) The emissions limits for these sources are shown in the table below. (63.1343(b))

Note that the opacity requirement in 40 CFR Part 60 Subpart F for the finish mill and separator is more stringent than the opacity limit in this Condition 22.4 (§ 63.1343(b)), so as provided for in § 63.1356 (Condition 22.62) the finish mill and separator does not have to comply with the opacity limit in this Condition 22.4 (§ 63.1343(b)).

Source	Operating Mode	Emission Limitation
Existing Kiln	Normal Operation	PM ¹ – 0.07 lb/ton clinker
		D/F ² – 0.3 ng/dscm (TEQ), corrected to 7% O ₂
		Mercury (Hg) – 55 lb/MM tons clinker
		THC ^{3,4} – 24 ppmvd, corrected to 7% O ₂
	HCl – 3 ppmvd, corrected to 7% O ₂	
	Startup and Shutdown	Work practices (63.1346(g))
Existing Clinker Cooler	Normal Operation	PM ¹ – 0.07 lb/ton clinker
	Startup and Shutdown	Work practices (63.1348(b)(9))
Existing Dryer	Normal Operation	Total Organic HAP ⁴ – 12 ppmvd
	Startup and Shutdown	Work practices (63.1346(g) (Condition 22.9))
Existing or New Raw or Finish Mills	All	Opacity not to exceed 10%

¹ The initial and subsequent PM performance tests are performed using Method 5 or 5I and consist of three test runs.

² If the average temperature at the inlet to the first PM control device (fabric filter or electrostatic precipitator) during the D/F performance test is 400 °F or less, this limit is changed to 0.40 ng/dscm (TEQ).

³ Measured as propane.

⁴ Any source subject to the 24 ppmvd THC limit may elect to meet an alternative limit of 12 ppmvd for total organic HAP.

22.4.1 When there is an alkali bypass and/or an inline coal mill with a separate stack associated with a kiln, the combined PM emissions from the kiln and the alkali bypass stack and/or the inline coal mill stack are subject to the PM emissions limit. Existing kilns that combine the clinker cooler exhaust and/or alkali bypass and/or coal mill exhaust with the kiln exhaust and send the combined exhaust to the PM control device as a single stream may meet an alternative PM emissions limit. This limit is calculated using Equation 1 of this section. (63.1343(b)(2))

Note that the in-line coal mill does not have a separate stack but the kiln is equipped with an alkali bypass.

22.5 *Open clinker storage pile.* The owner or operator of an open clinker storage pile must prepare, and operate in accordance with, the fugitive dust emissions control measures, described in their operation and maintenance plan (see §63.1347 of this subpart), that is appropriate for the site conditions as specified in 63.1343(c)(1) through (3) (see below). The operation and maintenance plan must also describe the measures that will be used to minimize fugitive dust emissions from piles of clinker, such as accidental spillage, that are not part of open clinker storage piles. (63.1343(c))

- 22.5.1 The operation and maintenance plan must identify and describe the location of each current or future open clinker storage pile and the fugitive dust emissions control measures the owner or operator will use to minimize fugitive dust emissions from each open clinker storage pile. (63.1343(c)(1))
- 22.5.2 For open clinker storage piles, the operations and maintenance plan must specify that one or more of the following control measures will be used to minimize to the greatest extent practicable fugitive dust from open clinker storage piles: Locating the source inside a partial enclosure, installing and operating a water spray or fogging system, applying appropriate chemical dust suppression agents, use of a wind barrier, compaction, use of tarpaulin or other equally effective cover or use of a vegetative cover. You must select, for inclusion in the operations and maintenance plan, the fugitive dust control measure or measures listed in this paragraph that are most appropriate for site conditions. The plan must also explain how the measure or measures selected are applicable and appropriate for site conditions. In addition, the plan must be revised as needed to reflect any changing conditions at the source. (63.1343(c)(2))
- 22.5.3 Temporary piles of clinker that result from accidental spillage or clinker storage cleaning operations must be cleaned up within 3 days. (63.1343(c)(3))

Emissions limits for affected sources other than kilns; clinker coolers; new and reconstructed raw material dryers. (§ 63.1345)

- 22.6 The owner or operator of each new or existing raw material, clinker, or finished product storage bin; conveying system transfer point; bagging system; bulk loading or unloading system; raw and finish mills; and each existing raw material dryer, at a facility which is a major source subject to the provisions of this subpart must not cause to be discharged any gases from these affected sources which exhibit opacity in excess of 10 percent.. (63.1345)

Note that the opacity requirement in 40 CFR Part 60 Subpart F for the sources Sections II.0, II.11, II.13 and II.24 is more stringent than the opacity limit in this Condition 22.6 (§ 63.1345), so as provided for in § 63.1356 (Condition 22.62) the sources Sections II.0, II.11, II.13 and II.24 do not have to comply with the opacity limit in this Condition 22.6 (§ 63.1345).

Operating limits for kilns. (§ 63.1346)

- 22.7 The owner or operator of a kiln subject to a D/F emissions limitation under §63.1343 must operate the kiln such that the temperature of the gas at the inlet to the kiln PM control device (PMCD) and alkali bypass PMCD, if applicable, does not exceed the applicable temperature limit specified in 63.1346(b) (Condition 22.8). (63.1346(a), excluding last sentence since no in-line kiln/raw mill)

- 22.8 The temperature limit for affected sources meeting the limits of 63.1346(a) (Condition 22.7) or 63.1346(a)(1) through (a)(3) is determined in accordance with §63.1349(b)(3)(iv) (Condition 22.19.4). (63.1346(b))
- 22.9 During periods of startup and shutdown you must meet the requirements listed in Conditions 22.9.1 through 22.9.4. (63.1346(g))
- 22.9.1 During startup you must use any one or combination of the following clean fuels: natural gas, synthetic natural gas, propane, distillate oil, synthesis gas (syngas), and ultra-low sulfur diesel (ULSD) until the kiln reaches a temperature of 1200 degrees Fahrenheit. (63.1346(g)(1))
- 22.9.2 Combustion of the primary kiln fuel may commence once the kiln temperature reaches 1200 degrees Fahrenheit. (63.1346(g)(2))
- 22.9.3 All dry sorbent and activated carbon systems that control hazardous air pollutants must be turned on and operating at the time the gas stream at the inlet to the baghouse or ESP reaches 300 degrees Fahrenheit (five minute average) during startup. Temperature of the gas stream is to be measured at the inlet of the baghouse or ESP every minute. Such injection systems can be turned off during shutdown. Particulate control and all remaining devices that control hazardous air pollutants should be operational during startup and shutdown. (63.1346(g)(3))
- 22.9.4 You must keep records as specified in §63.1355 during periods of startup and shutdown. (63.1346(g)(4))

Operation and maintenance plan requirements. (§ 63.1347)

- 22.10 You must prepare, for each affected source subject to the provisions of this subpart, a written operations and maintenance plan. The plan must be submitted to the Administrator for review and approval as part of the application for a part 70 permit and must include the following information (63.1347(a)):
- 22.10.1 Procedures for proper operation and maintenance of the affected source and air pollution control devices in order to meet the emissions limits and operating limits, including fugitive dust control measures for open clinker piles of §§63.1343, 63.1345, and 63.1346. Your operations and maintenance plan must address periods of startup and shutdown. (63.1347(a)(1))
- 22.10.2 Corrective actions to be taken when required by paragraph §63.1350(f)(3). (63.1347(a)(2))
- 22.10.3 Procedures to be used during an inspection of the components of the combustion system of each kiln and each in-line kiln raw mill located at the facility at least once per year. (63.1347(a)(3))

22.11 Failure to comply with any provision of the operations and maintenance plan developed in accordance with this section is a violation of the standard. (63.1347(b))

Compliance requirements. (§ 63.1348)

22.12 *Initial Performance Test Requirements.* For an affected source subject to this subpart, you must demonstrate compliance with the emissions standards and operating limits by using the test methods and procedures in §§63.1349 and 63.7. (63.1348(a), last sentence not included since the kiln has not burned nonhazardous solid waste)

NOTE TO PARAGRAPH (a): The first day of the 30 operating day performance test is the first day after the compliance date following completion of the field testing and data collection that demonstrates that the CPMS or CEMS has satisfied the relevant CPMS performance evaluation or CEMS performance specification (e.g., PS 2, 12A, or 12B) acceptance criteria. The performance test period is complete at the end of the 30th consecutive operating day. See §63.1341 for definition of operating day and §63.1348(b)(1) for the CEMS operating requirements. The source has the option of performing the compliance test earlier than the compliance date if desired.

22.12.1 *PM Compliance.* If you are subject to limitations on PM emissions under §63.1343(b) (Condition 22.4), you must demonstrate compliance with the PM emissions standards by using the test methods and procedures in §63.1349(b)(1) (Condition 22.17). (63.1348(a)(1))

22.12.2 *Opacity Compliance.* If you are subject to the limitations on opacity under §63.1345 (Condition 22.6), you must demonstrate compliance with the opacity emissions standards by using the performance test methods and procedures in §63.1349(b)(2) (Condition 22.18). Use the maximum 6-minute average opacity exhibited during the performance test period to determine whether the affected source is in compliance with the standard. (63.1348(a)(2))

Note that the opacity requirements for equipment other than the kiln and clinker cooler are not new requirements (i.e. were in effect prior to December 20, 2006) and initial performance tests for opacity have been conducted, thus the requirements do not apply to existing equipment. In the event that new equipment is installed that is subject to the opacity requirements in § 63.1345 (or rather the more stringent requirements in 40 Subpart F § 60.42(c), see Condition 22.6), the initial performance test would be required, so this requirement remains in the permit.

22.12.3 *THC Compliance.* If you are subject to limitations on THC emissions under §63.1343(b) (Condition 22.4), you must demonstrate compliance with the THC emissions standards by using the performance test methods and procedures in §63.1349(b)(4)(i) (Condition 22.20). You must use the average THC concentration obtained during the first 30 kiln operating days after the compliance date of this rule to determine initial compliance. (63.1348(a)(4)(i))

- 22.12.4 *Total Organic HAP Emissions Tests.* If you elect to demonstrate compliance with the total organic HAP emissions limit under §63.1343(b) (Condition 22.4) in lieu of the THC emissions limit, you must demonstrate compliance with the total organic HAP emissions standards by using the performance test methods and procedures in §63.1349(b)(7) (Condition 22.23). (63.1348(a)(4)(ii))
- 22.12.5 *Mercury Compliance.* If you are subject to limitations on mercury emissions in §63.1343(b) (Condition 22.4), you must demonstrate compliance with the mercury standards by using the performance test methods and procedures in §63.1349(b)(5) (Condition 22.21). You must demonstrate compliance by operating a mercury CEMS or a sorbent trap based CEMS. Compliance with the mercury emissions standard must be determined based on the first 30 operating days you operate a mercury CEMS or sorbent trap monitoring system after the compliance date of this rule. (63.1348(a)(5))
- 22.12.5.1 In calculating a 30 operating day emissions value using an integrating sorbent trap CEMS, assign the average Hg emissions concentration determined for an integrating period (e.g., 7 day sorbent trap monitoring system sample) to each relevant hour of the kiln operating days spanned by each integrated sample. Calculate the 30 kiln operating day emissions rate value using the assigned hourly Hg emissions concentrations and the respective flow and production rate values collected during the 30 kiln operating day performance test period. Depending on the duration of each integrated sampling period, you may not be able to calculate the 30 kiln operating day emissions value until several days after the end of the 30 kiln operating day performance test period. (63.1348(a)(5)(i))
- 22.12.5.2 For example, a sorbent trap monitoring system producing an integrated 7-day sample will provide Hg concentration data for each hour of the first 28 kiln operating days (i.e., four values spanning 7 days each) of a 30 operating day period. The Hg concentration values for the hours of the last 2 days of the 30 operating day period will not be available for calculating the emissions for the performance test period until at least five days after the end of the subject period. (63.1348(a)(5)(i))
- 22.12.6 *HCl Compliance.* If you are subject to limitations on HCl emissions under §63.1343(b) (Condition 22.4), you must demonstrate initial compliance with the HCl standards by using the performance test methods and procedures in §63.1349(b)(6) (Condition 22.22). (63.1348(a)(6))
- 22.12.6.1 For an affected source that is equipped with a wet scrubber, tray tower or dry scrubber, you may demonstrate initial compliance by conducting a performance test as specified in §63.1349(b)(6)(i) (Condition 22.22). You must determine the HCl concentration for

each run and calculate the arithmetic average of the concentrations measured for the three runs to determine compliance. You must also establish appropriate site-specific operational parameter limits. (63.1348(a)(6)(i))

- 22.12.7 *Commingled Exhaust Requirements.* If the coal mill exhaust is commingled with kiln exhaust in a single stack, you may demonstrate compliance with the kiln emission limits by either §63.1348(a)(7)(i) or (ii). (63.1348(a)(7))
- 22.13 *Continuous Monitoring Requirements.* You must demonstrate compliance with the emissions standards and operating limits by using the performance test methods and procedures in §§63.1350 and 63.8 for each affected source. (63.1348(b))
- 22.13.1 *General Requirements.* (63.1348(b))
- 22.13.1.1 You must monitor and collect data according to §63.1350 and the site-specific monitoring plan required by §63.1350(p) (Condition 22.42). (63.1348(b)(1)(i))
- 22.13.1.2 Except for periods of startup and shutdown, monitoring system malfunctions, repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or quality control activities (including, as applicable, calibration checks and required zero and span adjustments), you must operate the monitoring system and collect data at all required intervals at all times the affected source is operating. (63.1348(b)(1)(ii))
- 22.13.1.3 You may not use data recorded during monitoring system startup, shutdown or malfunctions or repairs associated with monitoring system malfunctions in calculations used to report emissions or operating levels. A monitoring system malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring system to provide valid data. Monitoring system failures that are caused in part by poor maintenance or careless operation are not malfunctions. You must use all the data collected during all other periods in assessing the operation of the control device and associated control system. (63.1348(b)(1)(iii))
- 22.13.1.4 *Clinker Production.* If you are subject to limitations on mercury emissions (lb/MM tons of clinker) under §63.1343(b) (Condition 22.4), you must determine the hourly production rate of clinker according to the requirements of §63.1350(d) (Condition 22.32). (63.1348(b)(1)(iv))
- 22.13.2 *PM Compliance.* If you are subject to limitations on PM emissions under §63.1343(b) (Condition 22.4), you must use the monitoring methods and procedures in §63.1350(b) and (d) (Conditions 22.31 and 22.32). (63.1348(b)(2))

- 22.13.3 *Opacity Compliance.* If you are subject to the limitations on opacity under §63.1345 (Condition 22.6), you must demonstrate compliance using the monitoring methods and procedures in §63.1350(f) (Condition 22.33) based on the maximum 6-minute average opacity exhibited during the performance test period. You must initiate corrective actions within one hour of detecting visible emissions above the applicable limit. (63.1348(b)(3))
- 22.13.4 *D/F Compliance.* If you are subject to a D/F emissions limitation under §63.1343(b) (Condition 22.4), you must demonstrate compliance using a CMS that is installed, operated and maintained to record the temperature of specified gas streams in accordance with the requirements of §63.1350(g) (Condition 22.34). (63.1348(b)(4))
- 22.13.5 *THC Compliance.* If you are subject to limitations on THC emissions under §63.1343(b) (Condition 22.4), you must demonstrate compliance using the monitoring methods and procedures in §63.1350(i) and (j) (Conditions 22.35 and 22.36). (63.1348(b)(6)(i))
- 22.13.5.1 THC must be measured either upstream of the coal mill or in the coal mill stack. (63.1348(b)(6)(ii))
- 22.13.6 *Mercury Compliance.* If you are subject to limitations on mercury emissions in §63.1343(b) (Condition 22.4), you must demonstrate compliance using the monitoring methods and procedures in §63.1350(k) (Condition 22.37). If you use an integrated sorbent trap monitoring system to determine ongoing compliance, use the procedures described in §63.1348(a)(5) (Condition 22.12.5) to assign hourly mercury concentration values and to calculate rolling 30 operating day emissions rates. Since you assign the mercury concentration measured with the sorbent trap to each relevant hour respectively for each operating day of the integrated period, you may schedule the sorbent trap change periods to any time of the day (i.e., the sorbent trap replacement need not be scheduled at 12:00 midnight nor must the sorbent trap replacements occur only at integral 24-hour intervals). (63.1348(b)(7)(i))
- 22.13.6.1 Mercury must be measured either upstream of the coal mill or in the coal mill stack. (63.1348(b)(7)(ii))
- 22.13.7 *HCl Compliance.* If you are subject to limitations on HCl emissions under §63.1343(b) (Condition 22.4), you must demonstrate compliance using the performance test methods and procedures in §63.1349(b)(6) (Condition 22.22). (63.1348(b)(8))
- 22.13.7.1 HCl may be measured either upstream of the coal mill or in the coal mill stack. (63.1348(b)(8)(iii))
- 22.13.7.2 As an alternative to 63.1348(b)(8)(ii), you may use an SO₂ CEMS to establish an SO₂ operating level during your initial and repeat HCl performance tests and monitor the SO₂ level using the

procedures in §63.1350(l)(3) (Condition 22.38.1).
(63.1348(b)(8)(iv))

- 22.13.8 *Startup and Shutdown Compliance.* All dry sorbent and activated carbon systems that control hazardous air pollutants must be turned on and operating at the time the gas stream at the inlet to the baghouse or ESP reaches 300 degrees Fahrenheit (five minute average) during startup. Temperature of the gas stream is to be measured at the inlet of the baghouse or ESP every minute. Such injection systems can be turned off during shutdown. Particulate control and all remaining devices that control hazardous air pollutants should be operational during startup and shutdown. (63.1348(b)(9))
- 22.14 *Changes in operations.* (63.1348(c))
- 22.14.1 If you plan to undertake a change in operations that may adversely affect compliance with an applicable standard, operating limit, or parametric monitoring value under this subpart, the source must conduct a performance test as specified in §63.1349(b). (63.1348(c)(1))
- 22.14.2 In preparation for and while conducting a performance test required in §63.1349(b), you may operate under the planned operational change conditions for a period not to exceed 360 hours, provided that the conditions in 63.1348(c)(2)(i) through (c)(2)(iv) are met. You must submit temperature and other monitoring data that are recorded during the pretest operations. (63.1348(c)(2))
- 22.15 *General duty to minimize emissions.* At all times you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. (63.1348(d))

Performance testing requirements. (§ 63.1349)

- 22.16 You must document performance test results in complete test reports that contain the information required by 63.1349(a)(1) through (10), as well as all other relevant information. As described in §63.7(c)(2)(i), you must make available to the Administrator prior to testing, if requested, the site-specific test plan to be followed during performance testing. For purposes of determining exhaust gas flow rate to the atmosphere from an alkali bypass stack or a coal mill stack, you must either install, operate, calibrate and maintain an instrument for continuously measuring and recording the exhaust gas flow rate according to the requirements in paragraphs §63.1350(n)(1) through (10) (Condition 22.40) of this subpart or use the maximum design exhaust gas flow rate. For purposes of determining the combined emissions from kilns equipped with an alkali bypass or that

exhaust kiln gases to a coal mill that exhausts through a separate stack, instead of installing a CEMS on the alkali bypass stack or coal mill stack, you may use the results of the initial and subsequent performance test to demonstrate compliance with the relevant emissions limit. (63.1349(a))

22.17 *PM emissions tests.* The owner or operator of a kiln and clinker cooler subject to limitations on PM emissions shall demonstrate initial compliance by conducting a performance test using Method 5 or Method 5I at appendix A-3 to part 60 of this chapter. You must also monitor continuous performance through use of a PM continuous parametric monitoring system (PM CPMS). (63.1349(b)(1))

22.17.1 For your PM CPMS, you will establish a site-specific operating limit. If your PM performance test demonstrates your PM emission levels to be below 75 percent of your emission limit you will use the average PM CPMS value recorded during the PM compliance test, the milliamp or digital equivalent of zero output from your PM CPMS, and the average PM result of your compliance test to establish your operating limit. If your PM compliance test demonstrates your PM emission levels to be at or above 75 percent of your emission limit you will use the average PM CPMS value recorded during the PM compliance test to establish your operating limit. You will use the PM CPMS to demonstrate continuous compliance with your operating limit. You must repeat the performance test annually and reassess and adjust the site-specific operating limit in accordance with the results of the performance test. (63.1349(b)(1)(i))

22.17.1.1 Your PM CPMS must provide a 4-20 milliamp or digital signal output and the establishment of its relationship to manual reference method measurements must be determined in units of milliamps or the monitors digital equivalent. (63.1349(b)(1)(i)(A))

22.17.1.2 Your PM CPMS operating range must be capable of reading PM concentrations from zero to a level equivalent to three times your allowable emission limit. If your PM CPMS is an auto-ranging instrument capable of multiple scales, the primary range of the instrument must be capable of reading PM concentration from zero to a level equivalent to three times your allowable emission limit. (63.1349(b)(1)(i)(B))

22.17.1.3 During the initial performance test or any such subsequent performance test that demonstrates compliance with the PM limit, record and average all milliamp or digital output values from the PM CPMS for the periods corresponding to the compliance test runs (e.g., average all your PM CPMS output values for three corresponding Method 5I test runs). (63.1349(b)(1)(i)(C))

22.17.2 Determine your operating limit as specified in 63.1349(b)(1)(iii) through (iv) (Conditions 22.17.3 and 22.17.4). If your PM performance test demonstrates your PM emission levels to be below 75 percent of your emission limit you

will use the average PM CPMS value recorded during the PM compliance test, the milliamp or digital equivalent of zero output from your PM CPMS, and the average PM result of your compliance test to establish your operating limit. If your PM compliance test demonstrates your PM emission levels to be at or above 75 percent of your emission limit you will use the average PM CPMS value recorded during the PM compliance test to establish your operating limit. You must verify an existing or establish a new operating limit after each repeated performance test. You must repeat the performance test at least annually and reassess and adjust the site-specific operating limit in accordance with the results of the performance test. (63.1349(b)(1)(ii))

- 22.17.3 If the average of your three Method 5 or 5I compliance test runs is below 75 percent of your PM emission limit, you must calculate an operating limit by establishing a relationship of PM CPMS signal to PM concentration using the PM CPMS instrument zero, the average PM CPMS values corresponding to the three compliance test runs, and the average PM concentration from the Method 5 or 5I compliance test with the procedures in 63.1349(b)(1)(iii)(A) through (D). (63.1349(b)(1)(iii))
- 22.17.3.1 Determine your PM CPMS instrument zero output with one of the procedures in 63.1349(b)(1)(ii)(A)(1) through (4). (63.1349(b)(1)(iii)(A))
- 22.17.3.2 Determine your PM CPMS instrument average in milliamps or digital equivalent, and the average of your corresponding three PM compliance test runs, using equation 3 in 63.1349(b)(1)(ii)(B)). (63.1349(b)(1)(iii)(B))
- 22.17.3.3 With your instrument zero expressed in milliamps or a digital value, your three run average PM CPMS milliamp or digital signal value, and your three run PM compliance test average, determine a relationship of lb/ton-clinker per milliamp or digital signal value with Equation 4 in 63.1349(b)(1)(iii)(C)). (63.1349(b)(1)(iii)(C))
- 22.17.3.4 Determine your source specific 30-day rolling average operating limit using the lb/ton-clinker per milliamp or digital signal value from Equation 4 in Equation 5, below. This sets your operating limit at the PM CPMS output value corresponding to 75 percent of your emission limit. (63.1349(b)(1)(iii)(D))
- 22.17.4 If the average of your three PM compliance test runs is at or above 75 percent of your PM emission limit you must determine your operating limit by averaging the PM CPMS milliamp or digital equivalent output corresponding to your three PM performance test runs that demonstrate compliance with the emission limit using Equation 6. (63.1349(b)(1)(iv))
- 22.17.5 To determine continuous operating compliance, you must record the PM CPMS output data for all periods when the process is operating, and use all the PM CPMS data for calculations when the source is not out-of-control. You

must demonstrate continuous compliance by using all quality-assured hourly average data collected by the PM CPMS for all operating hours to calculate the arithmetic average operating parameter in units of the operating limit (milliamps or the digital equivalent) on a 30 operating day rolling average basis, updated at the end of each new kiln operating day. Use Equation 7 to determine the 30 kiln operating day average. (63.1349(b)(1)(v))

22.17.6 For each performance test, conduct at least three separate test runs each while the mill is on and the mill is off, under the conditions that exist when the affected source is operating at the level reasonably expected to occur. Conduct each test run to collect a minimum sample volume of 2 dscm for determining compliance with a new source limit and 1 dscm for determining compliance with an existing source limit. Calculate the time weighted average of the results from three consecutive runs, including applicable sources as required by (b)(1)(viii), to determine compliance. You need not determine the particulate matter collected in the impingers (“back half”) of the Method 5 or Method 5I particulate sampling train to demonstrate compliance with the PM standards of this subpart. This shall not preclude the permitting authority from requiring a determination of the “back half” for other purposes. (63.1349(b)(1)(vi))

22.17.7 For PM performance test reports used to set a PM CPMS operating limit, the electronic submission of the test report must also include the make and model of the PM CPMS instrument, serial number of the instrument, analytical principle of the instrument (*e.g.* beta attenuation), span of the instruments primary analytical range, milliamp value or digital equivalent to the instrument zero output, technique by which this zero value was determined, and the average milliamp or digital equivalent signals corresponding to each PM compliance test run. (63.1349(b)(1)(vii))

22.17.8 When there is an alkali bypass and/or an inline coal mill with a separate stack associated with a kiln, the main exhaust and alkali bypass and/or inline coal mill must be tested simultaneously and the combined emission rate of PM from the kiln and alkali bypass and/or inline coal mill must be computed for each run using Equation 8 of this section. (63.1349(b)(1)(viii))

Note that the inline coal mill does not have a separate stack but the kiln is equipped with an alkali bypass.

22.18 *Opacity tests.* If you are subject to limitations on opacity under this subpart, you must conduct opacity tests in accordance with Method 9 of appendix A-4 to part 60 of this chapter. The duration of the Method 9 performance test must be 3 hours (30 6-minute averages), except that the duration of the Method 9 performance test may be reduced to 1 hour if the conditions below apply. For batch processes that are not run for 3-hour periods or longer, compile observations totaling 3 hours when the unit is operating. (63.1349(b)(2))

- 22.18.1 There are no individual readings greater than 10 percent opacity (63.1349(b)(2)(i));
- 22.18.2 There are no more than three readings of 10 percent for the first 1-hour period. (63.1349(b)(2)(ii))
- 22.19 *D/F Emissions Tests.* If you are subject to limitations on D/F emissions under this subpart, you must conduct a performance test using Method 23 of appendix A-7 to part 60 of this chapter. If your kiln or in-line kiln/raw mill is equipped with an alkali bypass, you must conduct simultaneous performance tests of the kiln or in-line kiln/raw mill exhaust and the alkali bypass. You may conduct a performance test of the alkali bypass exhaust when the raw mill of the in-line kiln/raw mill is operating or not operating. (63.1349(b)(3))
- 22.19.1 Each performance test must consist of three separate runs conducted under representative conditions. The duration of each run must be at least 3 hours, and the sample volume for each run must be at least 2.5 dscm (90 dscf). (63.1349(b)(3)(i))
- 22.19.2 The temperature at the inlet to the kiln or in-line kiln/raw mill PMCD, and, where applicable, the temperature at the inlet to the alkali bypass PMCD must be continuously recorded during the period of the Method 23 test, and the continuous temperature record(s) must be included in the performance test report. (63.1349(b)(3)(ii))
- 22.19.3 Average temperatures must be calculated for each run of the performance test. (63.1349(b)(3)(iii))
- 22.19.4 The run average temperature must be calculated for each run, and the average of the run average temperatures must be determined and included in the performance test report and will determine the applicable temperature limit in accordance with §63.1346(b), footnote 2 (Condition 22.4). (63.1349(b)(3)(iv))
- 22.20 *THC emissions test.* If you are subject to limitations on THC emissions, you must operate a CEMS in accordance with the requirements in §63.1350(i) (Condition 22.35). For the purposes of conducting the accuracy and quality assurance evaluations for CEMS, the THC span value (as propane) is 50 ppmvw and the reference method (RM) is Method 25A of appendix A to part 60 of this chapter. (63.1349(b)(4)(i))
- 22.20.1 Use the THC CEMS to conduct the initial compliance test for the first 30 kiln operating days of kiln operation after the compliance date of the rule. See §63.1348(a) (Condition 22.12). (63.1349(b)(4)(ii))
- 22.20.2 If kiln gases are diverted through an alkali bypass or to a coal mill and exhausted through a separate stack, you must calculate a kiln-specific THC limit using Equation 9. (63.1349(b)(4)(iii))

Note that the inline coal mill does not have a separate stack but the kiln is equipped with an alkali bypass.

- 22.20.3 THC must be measured either upstream of the coal mill or the coal mill stack. (63.1349(b)(4)(iv))
- 22.20.4 Instead of conducting the performance test specified in §63.1349(b)(4) (Condition 22.20), you may conduct a performance test to determine emissions of total organic HAP by following the procedures in §63.1349(b)(7) (Condition 22.23). (63.1349(b)(4)(v))
- 22.21 *Mercury Emissions Tests.* If you are subject to limitations on mercury emissions, you must operate a mercury CEMS or a sorbent trap monitoring system in accordance with the requirements of §63.1350(k) (Condition 22.37). The initial compliance test must be based on the first 30 kiln operating days in which the affected source operates using a mercury CEMS or a sorbent trap monitoring system after the compliance date of the rule. See §63.1348(a) (Condition 22.12). (63.1349(b)(5))
- 22.21.1 If you are using a mercury CEMS or a sorbent trap monitoring system, you must install, operate, calibrate, and maintain an instrument for continuously measuring and recording the exhaust gas flow rate to the atmosphere according to the requirements in §63.1350(k)(5) (Condition 22.37). (63.1349(b)(5)(i))
- 22.21.2 Calculate the emission rate using Equation 10 of this section. (63.1349(b)(5)(ii))
- 22.22 *HCl emissions tests.* For a source subject to limitations on HCl emissions you must conduct performance testing by one of the methods in §63.1349(b)(6)(i). (63.1349(b)(6))
- 22.22.1 As an alternative to paragraph (b)(6)(i)(B) of this section, you may choose to monitor SO₂ emissions using a CEMS in accordance with the requirements of §63.1350(l)(3) (Condition 22.38.1). You must establish an SO₂ operating limit equal to the average recorded during the HCl stack test where the HCl stack test run result demonstrates compliance with the emission limit. This operating limit will apply only for demonstrating HCl compliance. (63.1349(b)(6)(iii))
- 22.22.2 If kiln gases are diverted through an alkali bypass or to a coal mill and exhausted through a separate stack, you must calculate a kiln-specific HCl limit using Equation 11. (63.1349(b)(6)(iv))
- 22.23 *Total Organic HAP Emissions Tests.* Instead of conducting the performance test specified in §63.1349(b)(4) (Condition 22.20), you may conduct a performance test to determine emissions of total organic HAP by following the procedures in 63.1349(b)(7)(i) through (v) (see below). Note that 63.1349(b)(7)(iii) does not apply since the kiln does not have an in-line raw mill. (63.1349(b)(7))

- 22.23.1 Use Method 320 of appendix A to this part, Method 18 of Appendix A of part 60, ASTM D6348-03 or a combination to determine emissions of total organic HAP. Each performance test must consist of three separate runs under the conditions that exist when the affected source is operating at the representative performance conditions in accordance with §63.7(e). Each run must be conducted for at least 1 hour. (63.1349(b)(7)(i))
- 22.23.2 At the same time that you are conducting the performance test for total organic HAP, you must also determine a site-specific THC emissions limit by operating a THC CEMS in accordance with the requirements of §63.1350(j) (Condition 22.36). The duration of the performance test must be at least 3 hours and the average THC concentration (as calculated from the recorded output) during the 3-hour test must be calculated. You must establish your THC operating limit and determine compliance with it according to 63.1349(b)(7)(vii) and (viii) (Conditions 22.23.6 and 22.23.7). It is permissible to extend the testing time of the organic HAP performance test if you believe extended testing is required to adequately capture organic HAP and/or THC variability over time. (63.1349(b)(7)(ii))
- 22.23.3 If your organic HAP emissions are below 75 percent of the organic HAP standard and you determine your operating limit with 63.1349(b)(7)(vii) (Condition 22.23.6) your THC CEMS must be calibrated and operated on a measurement scale no greater than 180 ppmvw, as carbon, or 60 ppmvw as propane. (63.1349(b)(7)(iv))
- 22.23.4 If your kiln has an inline coal mill and/or an alkali bypass with separate stacks, you are required to measure and account for oHAP emissions from their separate stacks. You are required to measure oHAP at the coal mill inlet or outlet and you must also measure oHAP at the alkali bypass outlet. You must then calculate a flow weighted average oHAP concentration for all emission sources including the inline coal mill and the alkali bypass. (63.1349(b)(7)(v))
- Note that the in-line coal mill does not have a separate stack but the kiln is equipped with an alkali bypass.
- 22.23.5 Your THC CEMS measurement scale must be capable of reading THC concentrations from zero to a level equivalent to two times your highest THC emissions average determined during your performance test, including mill on or mill off operation. **Note:** This may require the use of a dual range instrument to meet this requirement and 63.1349(b)(7)(iv) (Condition 22.23.3). (63.1349(b)(7)(vi))
- 22.23.6 Determine your operating limit as specified in 63.1349(b)(7)(viii) and (ix) (Conditions 22.23.7 and 22.23.8). If your organic HAP performance test demonstrates your average organic HAP emission levels are below 75 percent of your emission limit (9 ppmv) you will use the average THC value recorded

during the organic HAP performance test, and the average total organic HAP result of your performance test to establish your operating limit. If your organic HAP compliance test results demonstrate that your average organic HAP emission levels are at or above 75 percent of your emission limit, your operating limit is established as the average THC value recorded during the organic HAP performance test. You must establish a new operating limit after each performance test. You must repeat the performance test no later than 30 months following your last performance test and reassess and adjust the site-specific operating limit in accordance with the results of the performance test. (63.1349(b)(7)(vii))

22.23.7 If the average organic HAP results for your three Method 18 and/or Method 320 performance test runs are below 75 percent of your organic HAP emission limit, you must calculate an operating limit by establishing a relationship of THC CEMS signal to the organic HAP concentration using the average THC CEMS value corresponding to the three organic HAP compliance test runs and the average organic HAP total concentration from the Method 18 and/or Method 320 performance test runs with the procedures in 63.1349(b)(7)(viii)(A) and (B). (63.1349(b)(7)(viii))

22.23.8 If the average of your three organic HAP performance test runs is at or above 75 percent of your organic HAP emission limit, you must determine your operating limit using Equation 14 by averaging the THC CEMS output values corresponding to your three organic HAP performance test runs that demonstrate compliance with the emission limit. If your new THC CEMS value is below your current operating limit, you may opt to retain your current operating limit, but you must still submit all performance test and THC CEMS data according to the reporting requirements in 63.1349(d)(1) (Condition 22.26.1). (63.1349(b)(7)(ix))

22.23.9 To determine continuous compliance with the THC operating limit, you must record the THC CEMS output data for all periods when the process is operating and the THC CEMS is not out-of-control. You must demonstrate continuous compliance by using all quality-assured hourly average data collected by the THC CEMS for all operating hours to calculate the arithmetic average operating parameter in units of the operating limit (ppmvw) on a 30 operating day rolling average basis, updated at the end of each new kiln operating day. Use Equation 16 to determine the 30 kiln operating day average. (63.1349(b)(7)(xi))

22.23.10 Use EPA Method 18 or Method 320 of appendix A to part 60 of this chapter to determine organic HAP emissions. For each performance test, conduct at least three separate runs under the conditions that exist when the affected source is operating at the level reasonably expected to occur. If your source has an in-line kiln/raw mill you must conduct three separate test runs with the raw mill on, and three separate runs under the conditions that exist when the affected source is operating at the level reasonably expected to occur with the

mill off. Conduct each Method 18 test run to collect a minimum target sample equivalent to three times the method detection limit. Calculate the average of the results from three runs to determine compliance. (63.1349(b)(7)(xii))

22.23.11 If the THC level exceeds by 10 percent or more your site-specific THC emissions limit, you must

22.23.11.1 As soon as possible but no later than 30 days after the exceedance, conduct an inspection and take corrective action to return the THC CEMS measurements to within the established value (63.1349(b)(7)(xiii)(A)); and

22.23.11.2 Within 90 days of the exceedance or at the time of the 30 month compliance test, whichever comes first, conduct another performance test to determine compliance with the organic HAP limit and to verify or re-establish your site-specific THC emissions limit. (63.1349(b)(7)(xiii)(B))

22.24 *HCl Emissions Tests with SO₂ Monitoring.* If you choose to monitor SO₂ emissions using a CEMS to demonstrate HCl compliance, follow the procedures in 63.1349(b)(8)(i) through (ix) (see below) and in accordance with the requirements of §63.1350(l)(3) (Condition 22.38.1). You must establish an SO₂ operating limit equal to the average recorded during the HCl stack test. This operating limit will apply only for demonstrating HCl compliance. (63.1349(b)(8))

22.24.1 Use Method 321 of appendix A to this part to determine emissions of HCl. Each performance test must consist of three separate runs under the conditions that exist when the affected source is operating at the representative performance conditions in accordance with §63.7(e). Each run must be conducted for at least one hour. (63.1349(b)(8)(i))

22.24.2 At the same time that you are conducting the performance test for HCl, you must also determine a site-specific SO₂ emissions limit by operating an SO₂ CEMS in accordance with the requirements of §63.1350(l) (Condition 22.38). The duration of the performance test must be three hours and the average SO₂ concentration (as calculated from the average output) during the 3-hour test must be calculated. You must establish your SO₂ operating limit and determine compliance with it according to 63.1349(b)(8)(vii) and (viii) (Conditions 22.24.5 and 22.24.6). (63.1349(b)(8)(ii))

22.24.3 Your SO₂ CEMS must be calibrated and operated according to the requirements of §60.63(f) (Condition 18.5). (63.1349(b)(8)(iv))

22.24.4 Your SO₂ CEMS measurement scale must be capable of reading SO₂ concentrations consistent with the requirements of §60.63(f), including mill on or mill off operation. (63.1349(b)(8)(v))

- 22.24.5 If the average of your three HCl compliance test runs is below 75 percent of your HCl emission limit, you may as a compliance alternative, calculate an operating limit by establishing a relationship of SO₂ CEMS signal to your HCl concentration corrected to 7 percent O₂ by using the SO₂ CEMS instrument zero, the average SO₂ CEMS values corresponding to the three compliance test runs, and the average HCl concentration from the HCl compliance test with the procedures in 63.1349(b)(8)(vii)(A) through (D). (63.1349(b)(8)(vii))
- 22.24.6 To determine continuous compliance with the SO₂ operating limit, you must record the SO₂ CEMS output data for all periods when the process is operating and the SO₂ CEMS is not out-of-control. You must demonstrate continuous compliance by using all quality-assured hourly average data collected by the SO₂ CEMS for all operating hours to calculate the arithmetic average operating parameter in units of the operating limit (ppmvw) on a 30 operating day rolling average basis, updated at the end of each new kiln operating day. Use Equation 21 to determine the 30 kiln operating day average. (63.1349(b)(8)(viii))
- 22.24.7 Use EPA Method 321 of appendix A to part 60 of this chapter to determine HCl emissions. For each performance test, conduct at least three separate runs under the conditions that exist when the affected source is operating at the level reasonably expected to occur. If your source has an in-line kiln/raw mill you must conduct three separate test runs with the raw mill on, and three separate runs under the conditions that exist when the affected source is operating at the level reasonably expected to occur with the mill off. (63.1349(b)(8)(ix))
- 22.24.8 If the SO₂ level exceeds by 10 percent or more your site-specific SO₂ emissions limit, you must (63.1349(b)(8)(x)):
- 22.24.8.1 As soon as possible but no later than 30 days after the exceedance, conduct an inspection and take corrective action to return the SO₂ CEMS measurements to within the established value (63.1349(b)(8)(x)(A));
- 22.24.8.2 Within 90 days of the exceedance or at the time of the periodic compliance test, whichever comes first, conduct another performance test to determine compliance with the HCl limit and to verify or re-establish your site-specific SO₂ emissions limit. (63.1349(b)(8)(x)(B))
- 22.25 *Performance test frequency.* Except as provided in §63.1348(b), performance tests are required at regular intervals for affected sources that are subject to a dioxin, organic HAP or HCl emissions limit. Performance tests required every 30 months must be completed no more than 31 calendar months after the previous performance test except where that specific pollutant is monitored using CEMS; performance tests required every 12 months must be completed no more than 13 calendar months after the previous performance test. (63.1349(c))

Note that as specified in §63.1349(b)(1)(i) (Condition 22.17.1) and §63.1350(b)(1)(i) and (B)(1)(iii)(C) (Conditions 22.31.1 and 22.31.3.3) performance tests for PM are required at least annually.

22.26 *Performance Test Reporting Requirements.* (63.1349(d))

22.26.1 You must submit the information specified in §63.1349(d)(1) and (2) no later than 60 days following the initial performance test. All reports must be signed by a responsible official. (63.1349(d)(1))

22.26.1.1 The initial performance test data as recorded under §63.1349(b). (63.1349(d)(1))

22.26.1.2 The values for the site-specific operating limits or parameters established pursuant to 63.1349(b)(1), (3), (6), (7), and (8), as applicable, and a description, including sample calculations, of how the operating parameters were established during the initial performance test. (63.1349(d)(2))

22.26.2 As of December 31, 2011 and within 60 days after the date of completing each performance evaluation or test, as defined in §63.2, conducted to demonstrate compliance with any standard covered by this subpart, you must submit the relative accuracy test audit data and performance test data, except opacity data, to the EPA by successfully submitting the data electronically to the EPA's Central Data Exchange (CDX) by using the Electronic Reporting Tool(ERT) (see http://www.epa.gov/ttn/chief/ert/ert_tool.html/). (63.1349(d)(2))

22.27 *Conditions of performance tests.* Conduct performance tests under such conditions as the Administrator specifies to the owner or operator based on representative performance of the affected source for the period being tested. Upon request, you must make available to the Administrator such records as may be necessary to determine the conditions of performance tests. (63.1349(e))

Monitoring requirements. (§ 63.1350)

22.28 Following the compliance date, the owner or operator must demonstrate compliance with this subpart on a continuous basis by meeting the requirements of this section. (63.1350(a)(1))

22.29 For each existing unit that is equipped with a CMS, maintain the average emissions or the operating parameter values within the operating parameter limits established through performance tests. (63.1350(a)(3))

22.30 Any instance where the owner or operator fails to comply with the continuous monitoring requirements of this section is a violation. (63.1350(a)(4))

22.31 *PM monitoring requirements. PM CPMS.* (63.1350(b)(1))

- 22.31.1 You will use a PM CPMS to establish a site-specific operating limit corresponding to the results of the performance test demonstrating compliance with the PM limit. You will conduct your performance test using Method 5 or Method 5I at appendix A-3 to part 60 of this chapter. You will use the PM CPMS to demonstrate continuous compliance with this operating limit. You must repeat the performance test annually and reassess and adjust the site-specific operating limit in accordance with the results of the performance test using the procedures in §63.1349(b)(1) (i) through (vi) of this subpart (Condition 22.17.1 through 22.17.6). You must also repeat the test if you change the analytical range of the instrument, or if you replace the instrument itself or any principle analytical component of the instrument that would alter the relationship of output signal to in-stack PM concentration. (63.1350(b)(1)(i))
- 22.31.2 To determine continuous compliance, you must use the PM CPMS output data for all periods when the process is operating and the PM CPMS is not out-of-control. You must demonstrate continuous compliance by using all quality-assured hourly average data collected by the PM CPMS for all operating hours to calculate the arithmetic average operating parameter in units of the operating limit (milliamps) on a 30 operating day rolling average basis, updated at the end of each new kiln operating day. (63.1350(b)(1)(ii))
- 22.31.3 For any exceedance of the 30 process operating day PM CPMS average value from the established operating parameter limit, you must (63.1350(b)(1)(iii)):
- 22.31.3.1 Within 48 hours of the exceedance, visually inspect the APCD (63.1350(b)(1)(iii)(A));
 - 22.31.3.2 If inspection of the APCD identifies the cause of the exceedance, take corrective action as soon as possible and return the PM CPMS measurement to within the established value (63.1350(b)(1)(iii)(B)); and
 - 22.31.3.3 Within 30 days of the exceedance or at the time of the annual compliance test, whichever comes first, conduct a PM emissions compliance test to determine compliance with the PM emissions limit and to verify or re-establish the PM CPMS operating limit within 45 days. You are not required to conduct additional testing for any exceedances that occur between the time of the original exceedance and the PM emissions compliance test required under this paragraph. (63.1350(b)(1)(iii)(C))
- 22.31.4 PM CPMS exceedances leading to more than four required performance tests in a 12-month process operating period (rolling monthly) constitute a presumptive violation of this subpart. (63.1350(b)(1)(iv))
- 22.32 *Clinker production monitoring requirements.* In order to determine clinker production, you must (63.1350(d)):

- 22.32.1 Determine hourly clinker production by one of two methods as set forth in 63.1350(d)(1)(i) and (ii). (63.1350(d)(1))
 - 22.32.2 Determine, record, and maintain a record of the accuracy of the system of measuring hourly clinker production (or feed mass flow if applicable) before initial use (for new sources) or by the effective compliance date of this rule (for existing sources). During each quarter of source operation, you must determine, record, and maintain a record of the ongoing accuracy of the system of measuring hourly clinker production (or feed mass flow). (63.1350(d)(2))
 - 22.32.3 If you measure clinker production directly, record the daily clinker production rates; if you measure the kiln feed rates and calculate clinker production, record the hourly kiln feed and clinker production rates. (63.1350(d)(3))
 - 22.32.4 Develop an emissions monitoring plan in accordance with 63.1350(p)(1) through (p)(4) (Condition 22.42). (63.1350(d)(4))
- 22.33 *Opacity monitoring requirements.* If you are subject to a limitation on opacity under §63.1345 (Condition 22.6), you must conduct required opacity monitoring in accordance with the provisions of 63.1350(f)(1)(i) through (vii) (Condition 22.33.1.1 through 22.33.1.7) and in accordance with your monitoring plan developed under §63.1350(p) (Condition 22.42). You must also develop an opacity monitoring plan in accordance with 63.1350(p)(1) through (4) (Condition 22.42) and paragraph (o)(5), if applicable. (63.1350(f))
- 22.33.1 Opacity monitoring for sources subject to opacity requirements in 63.1345
 - 22.33.1.1 You must conduct a monthly 10-minute visible emissions test of each affected source in accordance with Method 22 of appendix A-7 to part 60 of this chapter. The performance test must be conducted while the affected source is in operation. (63.1350(f)(1)(i))
 - 22.33.1.2 If no visible emissions are observed in six consecutive monthly tests for any affected source, the owner or operator may decrease the frequency of performance testing from monthly to semi-annually for that affected source. If visible emissions are observed during any semi-annual test, you must resume performance testing of that affected source on a monthly basis and maintain that schedule until no visible emissions are observed in six consecutive monthly tests. (63.1350(f)(1)(ii))
 - 22.33.1.3 If no visible emissions are observed during the semi-annual test for any affected source, you may decrease the frequency of performance testing from semi-annually to annually for that affected source. If visible emissions are observed during any annual performance test, the owner or operator must resume

performance testing of that affected source on a monthly basis and maintain that schedule until no visible emissions are observed in six consecutive monthly tests. (63.1350(f)(1)(iii))

- 22.33.1.4 If visible emissions are observed during any Method 22 performance test, of appendix A-7 to part 60 of this chapter, you must conduct 30 minutes of opacity observations, recorded at 15-second intervals, in accordance with Method 9 of appendix A-4 to part 60 of this chapter. The Method 9 performance test, of appendix A-4 to part 60 of this chapter, must begin within 1 hour of any observation of visible emissions. (63.1350(f)(1)(iv))
- 22.33.1.5 Any totally enclosed conveying system transfer point, regardless of the location of the transfer point is not required to conduct Method 22 visible emissions monitoring under this paragraph. The enclosures for these transfer points must be operated and maintained as total enclosures on a continuing basis in accordance with the facility operations and maintenance plan. (63.1350(f)(1)(v))
- 22.33.1.6 If any partially enclosed or unenclosed conveying system transfer point is located in a building, you must conduct a Method 22 performance test, of appendix A-7 to part 60 of this chapter, according to the requirements of 63.1350(f)(1)(i) through (iv) (Conditions 22.33.1.1 through 22.33.1.4) for each such conveying system transfer point located within the building, or for the building itself, according to 63.1350(f)(1)(vii) (Condition 22.33.1.7). (63.1350(f)(1)(vi))
- 22.33.1.7 If visible emissions from a building are monitored, the requirements of 63.1350(f)(1)(i) through (f)(1)(iv) (Conditions 22.33.1.1 through 22.33.1.4) apply to the monitoring of the building, and you must also test visible emissions from each side, roof, and vent of the building for at least 10 minutes. (63.1350(f)(1)(vii))

22.33.2 Opacity monitoring for raw and finish mills.

- 22.33.2.1 For a raw mill or finish mill, you must monitor opacity by conducting daily visible emissions observations of the mill sweep and air separator PM control devices (PMCD) of these affected sources in accordance with the procedures of Method 22 of appendix A-7 to part 60 of this chapter. The duration of the Method 22 performance test must be 6 minutes. (63.1350(f)(2)(i))
- 22.33.2.2 Within 24 hours of the end of the Method 22 performance test in which visible emissions were observed, the owner or operator must conduct a follow up Method 22 performance test of each stack from which visible emissions were observed during the previous Method 22 performance test. (63.1350(f)(2)(ii))

- 22.33.2.3 If visible emissions are observed during the follow-up Method 22 performance test required by 63.1350(f)(2)(ii) (Condition 22.33.2.2) from any stack from which visible emissions were observed during the previous Method 22 performance test required by paragraph (f)(2)(i) of the section, you must then conduct an opacity test of each stack from which emissions were observed during the follow up Method 22 performance test in accordance with Method 9 of appendix A-4 to part 60 of this chapter. The duration of the Method 9 test must be 30 minutes. (63.1350(f)(2)(iii))
- 22.33.3 If visible emissions are observed during any Method 22 visible emissions test conducted under §63.1350(f)(1) or (2) (Conditions 22.33.1 and 22.33.2), you must initiate, within one-hour, the corrective actions specified in your operation and maintenance plan as required in §63.1347. (63.1350(f)(3))
- 22.34 *D/F monitoring requirements.* If you are subject to an emissions limitation on D/F emissions, you must comply with the monitoring requirements of 63.1350(g)(1) through (g)(6) (see below) and 63.1350(m)(1) through (m)(4) (Condition 22.39) to demonstrate continuous compliance with the D/F emissions standard. You must also develop an emissions monitoring plan in accordance with 63.1350 (p)(1) through (p)(4) (Condition 22.42). (63.1350(g)) Note that paragraphs (g)(5) and (6) were not included since the kiln does not have an in-line raw mill and there is no paragraph (g)(6).
- 22.34.1 You must install, calibrate, maintain, and continuously operate a CMS to record the temperature of the exhaust gases from the kiln and alkali bypass, if applicable, at the inlet to, or upstream of, the kiln and/or alkali bypass PMCDs. (63.1350(g)(1)) The temperature CMS must meet the requirements in §63.1350(g)(1)(i) through (iii).
- 22.34.2 You must monitor and continuously record the temperature of the exhaust gases from the kiln and alkali bypass, if applicable, at the inlet to the kiln and/or alkali bypass PMCD. (63.1350(g)(2))
- 22.34.3 The required minimum data collection frequency must be one minute. (63.1350(g)(3))
- 22.34.4 Calculate the rolling three-hour average temperature using the average of 180 successive one-minute average temperatures. See §63.1349(b)(3) (Condition 22.19). (63.1350(g)(4))
- 22.35 *THC Monitoring Requirements.* If you are subject to an emissions limitation on THC emissions, you must comply with the monitoring requirements of 6.1350(i)(1) and (i)(2) (see below) and (m)(1) through (m)(4) (Condition 22.39). You must also develop an emissions monitoring plan in accordance with 6.1350 (p)(1) through (p)(4) (Condition 22.42). (63.1350(i))

- 22.35.1 You must install, operate, and maintain a THC continuous emission monitoring system in accordance with Performance Specification 8 or Performance Specification 8A of appendix B to part 60 of this chapter and comply with all of the requirements for continuous monitoring systems found in the general provisions, subpart A of this part. The owner or operator must operate and maintain each CEMS according to the quality assurance requirements in Procedure 1 of appendix F in part 60 of this chapter. For THC continuous emission monitoring systems certified under Performance Specification 8A, conduct the relative accuracy test audits required under Procedure 1 in accordance with Performance Specification 8, Sections 8 and 11 using Method 25A in appendix A to 40 CFR part 60 as the reference method; the relative accuracy must meet the criteria of Performance Specification 8, Section 13.2. (63.1350(i)(1))
- 22.35.2 Performance tests on alkali bypass and coal mill stacks must be conducted using Method 25A in appendix A to 40 CFR part 60 and repeated every 30 months. (63.1350(i)(2))

Note that the inline coal mill does not have a separate stack but the kiln is equipped with an alkali bypass.

- 22.36 *Total organic HAP monitoring requirements.* If you are complying with the total organic HAP emissions limits, you must continuously monitor THC according to 63.1350(i)(1) and (2) (Conditions 22.35.1 and 22.35.2) or in accordance with Performance Specification 8 or Performance Specification 8A of appendix B to part 60 of this chapter and comply with all of the requirements for continuous monitoring systems found in the general provisions, subpart A of this part. You must operate and maintain each CEMS according to the quality assurance requirements in Procedure 1 of appendix F in part 60 of this chapter. In addition, you must follow the monitoring requirements in 63.1350(m)(1) through (4) (Condition 22.39). You must also develop an emissions monitoring plan in accordance with 63.1350(p)(1) through (4) (Condition 22.42). (63.1350(j))
- 22.37 *Mercury monitoring requirements.* If you have a kiln subject to an emissions limitation on mercury emissions, you must install and operate a mercury continuous emissions monitoring system (Hg CEMS) in accordance with Performance Specification 12A (PS 12A) of appendix B to part 60 of this chapter or an integrated sorbent trap monitoring system in accordance with Performance Specification 12B (PS 12B) of appendix B to part 60 of this chapter. You must monitor mercury continuously according to 63.1350(k)(1) through (5) (see below). You must also develop an emissions monitoring plan in accordance with 63.1350 (p)(1) through (4) (Condition 22.42). (63.1350(k)) Note that the paragraphs (k)(1) through (k)(3) are not included since the source is using a sorbent trap system.
- 22.37.1 Relative accuracy testing of mercury monitoring systems under PS 12A, PS 12B, or Procedure 5 must be conducted at normal operating conditions. If a

facility has an inline raw mill, the testing must occur with the raw mill on. (63.1350(k)(4))

22.37.2 If you use a Hg CEMS or an integrated sorbent trap monitoring system, you must install, operate, calibrate, and maintain an instrument for continuously measuring and recording the exhaust gas flow rate to the atmosphere according to the requirements in 63.1350(n)(1) through (10) (Condition 22.40). If kiln gases are diverted through an alkali bypass or to a coal mill and exhausted through separate stacks, you must account for the mercury emitted from those stacks by following the procedures in §63.1350(k)(5)(i) through (iv). (63.1350(k)(5))

Note that the inline coal mill does not have a separate stack but the kiln is equipped with an alkali bypass.

22.37.3 If you operate an integrated sorbent trap monitoring system conforming to PS 12B, you may use a monitoring period at least 24 hours but no longer than 168 hours in length. You should use a monitoring period that is a multiple of 24 hours (except during relative accuracy testing as allowed in PS 12B). (63.1350(k)(6))

22.38 *HCl Monitoring Requirements.* If you are subject to an emissions limitation on HCl emissions in §63.1343, you must monitor HCl emissions continuously according to 63.1350(l)(1) or (2) and 63.1350(m)(1) through (4) (Condition 22.39) or, if your kiln is controlled using a wet or dry scrubber or tray tower, you alternatively may parametrically monitor SO₂ emissions continuously according to 63.1350(l)(3) (Condition 22.38.1). You must also develop an emissions monitoring plan in accordance with 63.1350(p)(1) through (4) (Condition 22.42). (63.1350(l))

22.38.1 If the source is equipped with a wet or dry scrubber or tray tower, and you choose to monitor SO₂ emissions, monitor SO₂ emissions continuously according to the requirements of §60.63(e) and (f) of part 60 subpart F of this chapter. If SO₂ levels increase above the 30-day rolling average SO₂ operating limit established during your performance test, you must (63.1350(l)(3)):

22.38.1.1 As soon as possible but no later than 48 hours after you exceed the established SO₂ value conduct an inspection and take corrective action to return the SO₂ emissions to within the operating limit (63.1350(l)(3)(i)); and

22.38.1.2 Within 60 days of the exceedance or at the time of the next compliance test, whichever comes first, conduct an HCl emissions compliance test to determine compliance with the HCl emissions limit and to verify or re-establish the SO₂ CEMS operating limit. (63.1350(l)(3)(ii))

22.39 *Parameter monitoring requirements.* If you have an operating limit that requires the use of a CMS, you must install, operate, and maintain each continuous parameter monitoring

system (CPMS) according to the procedures in 63.1350(m)(1) through (4) by the compliance date specified in §63.1351. You must also meet the applicable specific parameter monitoring requirements in paragraphs (m)(5) through (11) that are applicable to you. (63.1350(m))

Note that the requirements in 63.1350(m)(5) through (11) do not apply because the source is using an SO₂ CEMS ((m)(5), (7) & (9)), does not use activated carbon for D/F limit ((m)(6)) and does not use bag leak detection systems (m(10) and (11)).

- 22.40 *Continuous Flow Rate Monitoring System.* You must install, operate, calibrate, and maintain instruments, according to the requirements in 63.1350(n)(1) through (10), for continuously measuring and recording the stack gas flow rate to allow determination of the pollutant mass emissions rate to the atmosphere from sources subject to an emissions limitation that has a pounds per ton of clinker unit and that is required to be monitored by a CEMS. (63.1350(n))
- 22.41 *Alternate monitoring requirements approval.* You may submit an application to the Administrator for approval of alternate monitoring requirements to demonstrate compliance with the emission standards of this subpart subject to the provisions of 63.1350(o)(1) through (6). (63.1350(o))
- 22.42 *Development and submittal (upon request) of monitoring plans.* If you demonstrate compliance with any applicable emissions limit through performance stack testing or other emissions monitoring, you must develop a site-specific monitoring plan according to the requirements in 63.1350(p)(1) through (4). This requirement also applies to you if you petition the EPA Administrator for alternative monitoring parameters under 63.1350(o) and §63.8(f). If you use a BLDS, you must also meet the requirements specified in 63.1350 (p)(5). (63.1350(p))

Note that the source does not use a BLDS so the requirements in 63.1350 (p)(5) do not apply.

Compliance dates. (§ 63.1351)

- 22.43 The compliance date for any affected existing source subject to any rule requirements that were in effect before December 20, 2006, is June 14, 2002, for sources that commenced construction before or on March 24, 1998. (63.1351(a)(1))
- 22.44 The compliance date for any affected existing source subject to any rule requirements that became effective on December 20, 2006, is December 21, 2009, for sources that commenced construction after December 2, 2005 and before or on December 20, 2006. (63.1351(b)(1))
- 22.45 The compliance date for existing sources for all the requirements that became effective on February 12, 2013, except for the open clinker pile requirements will be September 9, 2015. (63.1351(c))

Note that in a letter dated June 11, 2015, the Division extended the compliance date until March 9, 2016.

- 22.46 The compliance date for existing sources with the requirements for open clinker storage piles in §63.1343(c) is February 12, 2014. (63.1351(e))

Additional test methods (§ 63.1352)

- 22.47 If you are conducting tests to determine the rates of emission of HCl from kilns and associated bypass stacks at portland cement manufacturing facilities, for use in applicability determinations under §63.1340, you may use Method 320 or Method 321 of appendix A of this part. (63.1352(a))

- 22.48 Owners or operators conducting tests to determine the rates of emission of specific organic HAP from raw material dryers, and kilns at Portland cement manufacturing facilities, solely for use in applicability determinations under §63.1340 of this subpart are permitted to use Method 320 of appendix A to this part, or Method 18 of appendix A to part 60 of this chapter. (63.1352(b))

Notification requirements. (§ 63.1353)

- 22.49 The notification provisions of 40 CFR part 63, subpart A that apply and those that do not apply to owners and operators of affected sources subject to this subpart are listed in Table 1 of this subpart (table of applicable general provisions (Condition 22.2), see also Condition 22.50). If any State requires a notice that contains all of the information required in a notification listed in this section, the owner or operator may send the Administrator a copy of the notice sent to the State to satisfy the requirements of this section for that notification. (63.1353(a))

- 22.50 Each owner or operator subject to the requirements of this subpart shall comply with the notification requirements in §63.9 as specified in §63.1353(b)(1) through (6). (63.1353(b))

Reporting requirements. (§ 63.1354)

- 22.51 The reporting provisions of subpart A of this part that apply and those that do not apply to owners or operators of affected sources subject to this subpart are listed in Table 1 of this subpart table of applicable general provisions (Condition 22.2), see also Condition 22.52). If any State requires a report that contains all of the information required in a report listed in this section, the owner or operator may send the Administrator a copy of the report sent to the State to satisfy the requirements of this section for that report. (63.1354(a))

- 22.52 The owner or operator of an affected source shall comply with the reporting requirements specified in §63.10 of the general provisions of this part 63, subpart A as specified in §63.1354(b)(1) through (10). (63.1354(b))

22.53 Reporting a failure to meet a standard due to a malfunction. For each failure to meet a standard or emissions limit caused by a malfunction at an affected source, you must report the failure in the semi-annual compliance report required by §63.1354(b)(9). The report must contain the date, time and duration, and the cause of each event (including unknown cause, if applicable), and a sum of the number of events in the reporting period. The report must list for each event the affected source or equipment, an estimate of the volume of each regulated pollutant emitted over the emission limit for which the source failed to meet a standard, and a description of the method used to estimate the emissions. The report must also include a description of actions taken by an owner or operator during a malfunction of an affected source to minimize emissions in accordance with §63.1348(d) (Condition 22.15), including actions taken to correct a malfunction. (63.1354(c))

Recordkeeping requirements. (§ 63.1355)

22.54 The owner or operator shall maintain files of all information (including all reports and notifications) required by this section recorded in a form suitable and readily available for inspection and review as required by §63.10(b)(1). The files shall be retained for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two years of data shall be retained on site. The remaining three years of data may be retained off site. The files may be maintained on microfilm, on a computer, on floppy disks, on magnetic tape, or on microfiche. (63.1355(a))

22.55 The owner or operator shall maintain records for each affected source as required by §63.10(b)(2) and (b)(3) of this part; and §63.1355(b)(1) through (3). (63.1355(b))

22.56 In addition to the recordkeeping requirements in 63.1355(b) (Condition 22.55), the owner or operator of an affected source equipped with a continuous monitoring system shall maintain all records required by §63.10(c). (63.1355(c))

22.57 You must keep records of the daily clinker production rates and kiln feed rates. (63.1355(e))

22.58 You must keep records of the date, time and duration of each startup or shutdown period for any affected source that is subject to a standard during startup or shutdown that differs from the standard applicable at other times, and the quantity of feed and fuel used during the startup or shutdown period. (63.1355(f))

22.59 You must keep records of the date, time and duration of each malfunction that causes an affected source to fail to meet an applicable standard; if there was also a monitoring malfunction, the date, time and duration of the monitoring malfunction; the record must list the affected source or equipment, an estimate of the volume of each regulated pollutant emitted over the standard for which the source failed to meet a standard, and a description of the method used to estimate the emissions. (63.1355(g)(1))

- 22.60 You must keep records of actions taken during periods of malfunction to minimize emissions in accordance with §63.1348(d) (Condition 22.15) including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation. (63.1355(g)(2))
- 22.61 For each exceedance from an emissions standard or established operating parameter limit, you must keep records of the date, duration and description of each exceedance and the specific actions taken for each exceedance including inspections, corrective actions and repeat performance tests and the results of those actions. (63.1355(h))

Sources with multiple emissions limit or monitoring requirements. (§ 63.1356)

- 22.62 If you have an affected source subject to this subpart with a different emissions limit or requirement for the same pollutant under another regulation in title 40 of this chapter, once you are in compliance with the most stringent emissions limit or requirement, you are not subject to the less stringent requirement. Until you are in compliance with the more stringent limit, the less stringent limit continues to apply. (63.1356)

There is no evidence of circumvention. Cemex has submitted the results of all performance tests, opacity readings, startup, shutdown, malfunctions, and semi-annual excess emission reports as required. Source elected to demonstrate THC compliance via oHAP testing as indicated by MACT LLL §63.1349(b)(7). Cemex has conducted several stack tests to demonstrate compliance with the D/F emissions requirements at specific temperatures. The test dates, temperatures, and D/F results are summarized in the table below. The most recent D/F stack test was performed and passed on 2/7/2017. Cemex is performing quarterly calibrations of each thermocouple as required. Cemex has programmed into the FLS control system an automatic shutdown of the kiln when temperatures are approaching the temperature limit at each baghouse to prevent temperature exceedances. Kiln operators receive annual training as required. The source has installed a new sorbent trap based continuous emissions monitoring system for monitoring mercury.

The source reported on July 21, 2017, for ~49 minutes during normal operation: The production operator failed to start injecting carbon and lime at 300 degrees F on baghouse inlet temperature. The DAS started alarming at 295 degrees, as programmed. Temperatures are calculated on a five-minute rolling average. Lime and carbon injection systems were immediately turned on at ~350 degrees F. Emissions limits for mercury and HCl/SO₂ were not exceeded. Interlocks were put in place so that the system will now alarm and not allow the kiln to exceed 290 degrees F without turning on the LIS and ACI. A revision to the O&M Plan was submitted to the division, requesting removal of the temperature condition but is unlikely to satisfy the requirements of the regulation.

The source reported the Six-minute Method 22 observations were not performed on P005 - Raw Mill Dust Collector 325-1 (Stack #SO10); Raw Mill Auxiliary Dust Collector 325-2 (Stack# SO11); PO11 - Finish Mill Dust Collector 725-2 (Stack# S036), Finish Mill Auxiliary Dust Collector 725-3 (Stack# S037); and PO1 2 Finish Mill Separator Dust Collectors 725- 10 & 725-11 (Stack # S065).

Explanation of Period of Deviation	Duration/Date (s)
Missed Method 22 on 325-1 DC	11/21/2017 ;
Missed Method 22 on 325-2 DC	11/21/2017; 11/22/2017
Missed Method 22 on 725-2 DC	11/22/2017; 11/24/2017
Missed Method 22 on 725-3 DC	11/22/2017; 11/24/2017
Missed Method 22 on 725-10, 11	11/22/2017; 11/24/2017

The source reported on Jan. 23, 2018, 10 p.m.-11:59 p.m.: the six-minute Method 22 observation was not performed on the finish mill dust collector 725-2 and finish mill auxiliary dust collector 725-3 when the finish mill operated at approximately 10 p.m.

The source failed to turn on the sorbent and activated carbon systems that control hazardous air pollutants while operating at the time the gas stream at the inlet to the baghouse or ESP reached 300 degrees Fahrenheit. The source failed to monitor opacity by conducting daily visible emissions observations of the mill sweep and air separator PM control devices (PMCD) in accordance with the procedures of Method 22. (Not In Compliance)

23. Compliance Assurance Monitoring (CAM)

The Compliance Assurance Monitoring (CAM) requirements in 40 CFR Part 64, as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV, apply to the sources listed below with respect to the PM/PM₁₀ and Pb limitations identified in the table below, as follows:

Source	Condition/Limit
P002 – Raw Materials Drying	
S005 – Raw Materials Dryer	Condition 5.6 - 22.8 tons/year PM/PM ₁₀ 6.5 lbs/hour PM ₁₀ Condition 5.7 - 1.6 tons/year Pb
P005 – Raw Material Grinding	
S010 – Raw Material Grinding	Condition 8.3 – PM not to exceed the following: PM (lb/hr) = 17.31 (P) ^{0.16} Where P = process weight rate in tons/hr
S011 – Raw Mill Auxiliary Dust Collector	
S012 – Raw Mill Feeders	
P007 – Kiln Burning	
S016 – Precalciner Kiln	Condition 10.5 - 133 tons/year PM/PM ₁₀ (Kiln) Condition 10.16 - 4.4 tons/year Pb (Kiln)

Source	Condition/Limit
P009 – Clinker and Gypsum/Additive Silos and Weigh Feeders (Storage and Transfer to Finish Mill)	
S024 - #2 Clinker Silo	Condition 11.4 – 9.3 tons/year PM
P010 – Sheltered (A-Frame) Clinker Storage and Reclaim	
S051 – Top of A Frame – Transfer from 529-29 belt to 529-30 belt	Condition 11.4 - 21.96 tons/year PM 10.98 tons/year, 201 lb/day PM ₁₀
S034- #6 Reclaim Feeder and A Frame Building	
P011 – Cement Finish Mill and Auxiliaries	
S036 – Finish Mill	Condition 11.4 – 17.05 ton PM/year 8.65 ton PM ₁₀ /year 48 lbs PM ₁₀ /day
S037 – Finish Mill Auxillary Dust Collector	
P013 – Cement Silos/Packhouse/Loadout	
S043 –Cement Storage Silos A10 and A13	Condition 11.4 – 12.3 ton PM/year 6.2 ton PM ₁₀ /year 43 lbs PM ₁₀ /day For S046 – PM limit only
S044 – Cement Storage Silo A7	
S045 – Cement Finish Silo A2	
S046 – Packhouses West and East (loading spouts) – baghouses vent to a common stack	
P007A – Handling & Processing of CKD & Raw Material Waste Dust	
S001 – Waste Dust Silo	Condition 13.2 - 15.39 tpy PM 7.7 tpy, 69.5lbs/day PM ₁₀ For S066 PM only
S022 – Kiln Return Dust Silo	
S066 – Cement Silo A5	

23.1 **For the kiln (P007/S016)**, the permittee shall conduct the monitoring for PM as required by 40 CFR Part 63 Subpart LLL (Condition 22). Excursions for purposes of CAM reporting are as follows:

23.1.1 Any exceedance of the 30 process operating day PM CPMS average value from the established operating parameter limit.

23.2 **For all sources except the kiln (P007/S016)**, the permittee shall follow the CAM Plan provided in Appendix G of this permit. Excursions for purposes of reporting are as follows

23.2.1 For Visible Emissions:

23.2.1.1 Any calendar day (midnight to midnight) in which visible emissions are observed, or

23.2.1.2 Failure to conduct a daily visible emission observation on any calendar day (midnight to midnight) in which the equipment was operating, except as provided for in Condition 23.2.1.3.

23.2.1.3 A daily visible emission observation is not required for any

calendar day in which the equipment was not operating for four (4) consecutive daylight hours or more, provided a pressure differential reading is recorded for that day.

23.2.2 For Pressure Differential:

23.2.2.1 Any weekly pressure drop reading that is at or below 0 or above 7 inches of water.

23.2.2.2 Failure to record the pressure drop in any calendar week in which the equipment was operated.

23.2.3 Excursions shall be reported as required by Section IV, Conditions 21**Error! Reference source not found.** and 22.d of this permit.

23.3 Operation of Approved Monitoring

23.3.1 At all times, the owner or operator shall maintain the monitoring, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment (40 CFR Part 64 § 64.7(b), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

23.3.2 Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the owner or operator shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of these CAM requirements, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The owner or operator shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions (40 CFR Part 64 § 64.7(c), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

23.3.3 Response to excursions or exceedances

23.3.3.1 Upon detecting an excursion or exceedance, the owner or operator shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and

prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable (40 CFR Part 64 § 64.7(d)(1), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

23.3.3.2 Determination of whether the owner or operator has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process (40 CFR Part 64 § 64.7(d)(2), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

23.3.4 After approval of the monitoring required under the CAM requirements, if the owner or operator identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the owner or operator shall promptly notify the Division and, if necessary submit a proposed modification for this permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters (40 CFR Part 64 § 64.7(e), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

23.4 Quality Improvement Plan (QIP) Requirements

23.4.1 Based on the results of a determination made under the provisions of Condition 23.3.3.2, the Division may required the owner or operator to develop and implement a QIP (40 CFR Part 64 § 64.8(a), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

23.4.2 The owner or operator shall maintain a written QIP, if required, and have it available for inspection (40 CFR Part 64 § 64.8(b)(1), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

23.4.3 The QIP initially shall include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures,

the owner or operator shall modify the plan to include procedures for conducting one or more of the following actions, as appropriate:

- 23.4.3.1 Improved preventative maintenance practices (40 CFR Part 64 § 64.8(b)(2)(i), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
 - 23.4.3.2 Process operation changes (40 CFR Part 64 § 64.8(b)(2)(ii), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
 - 23.4.3.3 Appropriate improvements to control methods (40 CFR Part 64 § 64.8(b)(2)(iii), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
 - 23.4.3.4 Other steps appropriate to correct control performance (40 CFR Part 64 § 64.8(b)(2)(iv), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
 - 23.4.3.5 More frequent or improved monitoring (only in conjunction with one or more steps under Conditions 23.4.3.1 through 23.4.3.4 above) (40 CFR Part 64 § 64.8(b)(2)(v), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
- 23.4.4 If a QIP is required, the owner or operator shall develop and implement a QIP as expeditiously as practicable and shall notify the Division if the period for completing the improvements contained in the QIP exceeds 180 days from the date on which the need to implement the QIP was determined (40 CFR Part 64 § 64.8(c), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
- 23.4.5 Following implementation of a QIP, upon any subsequent determination pursuant to Condition 23.3.3.2, the Division or the U.S. EPA may require that an owner or operator make reasonable changes to the QIP if the QIP is found to have:
- 23.4.5.1 Failed to address the cause of the control device performance problems (40 CFR Part 64 § 64.8(d)(1), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV); or
 - 23.4.5.2 Failed to provide adequate procedures for correcting control device performance problems as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions (40 CFR Part 64 § 64.8(d)(2), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
- 23.4.6 Implementation of a QIP shall not excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements

under the federal clean air act (40 CFR Part 64 § 64.8(e), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

23.5 Reporting and Recordkeeping Requirements

23.5.1 Reporting Requirements: The reports required by Section IV, Condition 22.d, shall contain the information specified in Appendix B of the permit and the following information, as applicable:

23.5.1.1 Summary information on the number, duration and cause (including unknown cause, if applicable), for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable) ((40 CFR Part 64 § 64.9(a)(2)(ii), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV); and

23.5.1.2 The owner or operator shall submit, if necessary, a description of the actions taken to implement a QIP during the reporting period as specified in Condition 23.4 of this permit. Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring (40 CFR Part 64 § 64.9(a)(2)(iii), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

23.5.2 General Recordkeeping Requirements: In addition to the recordkeeping requirements in Section IV, Condition 22.a through c.

23.5.2.1 The owner or operator shall maintain records of any written QIP required pursuant to Condition 23.4 and any activities undertaken to implement a QIP, and any supporting information required to be maintained under these CAM requirements (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions) (40 CFR Part 64 § 64.9(b)(1), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

23.5.2.2 Instead of paper records, the owner or operator may maintain records on alternative media, such as microfilm, computer files, magnetic tape disks, or microfiche, provided that the use of such alternative media allows for expeditious inspection and review, and does not conflict with other applicable recordkeeping requirements (40 CFR Part 64 § 64.9(b)(2), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

23.6 Savings Provisions

- 23.6.1 Nothing in these CAM requirements shall excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the federal clean air act. These CAM requirements shall not be used to justify the approval of monitoring less stringent than the monitoring which is required under separate legal authority and are not intended to establish minimum requirements for the purposes of determining the monitoring to be imposed under separate authority under the federal clean air act, including monitoring in permits issued pursuant to title I of the federal clean air act. The purpose of the CAM requirements is to require, as part of the issuance of this Title V operating permit, improved or new monitoring at those emissions units where monitoring requirements do not exist or are inadequate to meet the requirements of CAM (40 CFR Part 64 § 64.10(a)(1), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
- 23.6.2 Nothing in these CAM requirements shall restrict or abrogate the authority of the U.S. EPA or the Division to impose additional or more stringent monitoring, recordkeeping, testing or reporting requirements on any owner or operator of a source under any provision of the federal clean air act, including but not limited to sections 114(a)(1) and 504(b), or state law, as applicable (40 CFR Part 64 § 64.10(a)(2), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

The following CAM events were reported.

On Jan. 6, 2017, and Jan. 27, 2017, the east loading spout dust collector registered differential pressure reading above 7 inches water. This was due to the cold weather freezing air lines. The differential pressure would lower to below 7 inches water as ambient temperature increased above the freezing level. Follow-up inspection by maintenance crew indicated that tubing lines were broken, and the magnehelic was defective. Maintenance conducted an inspection to assess the root cause of the problem. Tubing lines and the DP monitor were replaced.

On Feb. 24, 2017, the bulk loader reported that differential pressure reading for A5 dust collector was at 7 inches water. Maintenance conducted an inspection to assess the root cause of the problem. Tubing links were replaced and cleaned out, and the air pressure was adjusted.

On Feb. 9, 2017, the differential pressure reading at 825-1 dust collector for A13 cement silo was at 10 inches water at about 8:50 a.m. Maintenance conducted an inspection to assess the root cause of the problem but found none with DP returned to within operating level. Weekly preventative maintenance inspections continued, as required by the O&M plan.

March 13, 2017, the differential pressure reading at the Raw Mill Feeder (325-3) Dust Collector was missed when the equipment came back on after 13:50 on March 13, 2017. Production department personnel tasked to perform daily Title V compliance monitoring were retrained on changes in permit requirements that took effect on March 1, 2017. The SOP was updated, requiring the night shift supervisor to check whether or not relevant pieces of equipment that were reported as not operating during the day shift remained down during the night shift.

Aug. 20, 2017, visible emissions were observed from the fan stack of Dust Collector 525-17 during the routine daily inspection. Production personnel took 525-17 down as an initial corrective action until maintenance could assess and fix the problem.

Missed DP reading at 825-2 DC	11/13/2017
Missed DP reading at 225-11	11/21/2017
Missed DP reading at 525-28	11/21/2017
Missed DP reading at 825-1 DC	11/22/2017
Missed DP reading at 325-3 DC	11/22/2017

Pressure Differential Reading on the day a 6-minute visible emissions observation could not be made when source did not operate for more than four hours. Shift supervisors were reminded to review the 6-minute visible emissions observation forms in order to ensure that CAM sources that did not operate during the earlier shift are monitored for DP readings when such sources are turned back on.

Cemex is following the CAM procedures identified above. Cemex performs daily visible emission observations and pressure differential readings on the CAM listed sources and records the results in a daily log. For the kiln and clinker cooler, daily COM reports with 6-minute averages are printed and added to the daily records. To date, the Division has not requested Cemex develop and implement a Quality Improvement Plan (QIP) based upon the corrective action response and information available for each excursion. The Division will continue to monitor excursions from the CAM rule and may require a QIP be developed in the future. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

24. P050 - Cement Rail Car Unloading System

AIRs pt 050: Cement Rail Car Unloading and Handling System – hopper, screw conveyor and pneumatic transfer system

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Process Rate	24.1	50,000 tons/yr of imported cement		Recordkeeping	Monthly
PM & PM ₁₀	24.2	PM - 0.6 tons/yr PM ₁₀ – 0.4 tons/yr	See Condition 24.2	Recordkeeping and Calculation	Monthly

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Control Device and Operating Requirements	24.3	See Condition 24.3		Control Equipment Maintenance	Annual Certification
Opacity	24.4	Shall not exceed 20%, except as provided for below		Visible Emission Observation	Daily
		Certain Operating Conditions -Shall not exceed 30%, for a period or periods aggregating more than six (6) minutes in any 60 consecutive minutes		Method 9	If Required (See Conditions 16.1.1.2 and 20.5.1)
				Baghouse Maintenance and Operation	See Condition 19
NSPS Subpart F Opacity	24.5	Less than 10%		Method 22	Monthly to Annually
MACT Requirements	24.6			See 40 CFR Part 63 Subpart LLL (Condition 22)	
		O & M Plan Requirements		See Conditions 22.10 and 22.11.	

Compliance Status: P050 – Cement Rail Car Unloading System

Parameter	Limitations	Reported Data
Process Rates	50,000 tons/yr	0 tons
PM	0.6 ton/yr	0.0 tons
PM ₁₀	0.4 ton/yr	0.0 tons

Cemex provided the reported data above for the rolling 12-month period July 2018. No railcar unloading has occurred since 2007.

- 24.1 The amount of cement processed through the rail car unloading system shall not exceed the limitation listed in the table above (Construction Permit 05BO0703). Any information used to determine the monthly quantity of cement processed shall be maintained and made available to the Division upon request. The quantity of cement unloaded shall be monitored and recorded monthly. Monthly quantities of cement unloaded shall be used in a twelve month rolling total to monitor compliance with the annual limitation. Each month a new twelve month total shall be calculated using the previous twelve months' data.
- 24.2 PM and PM₁₀ emissions from the rail car unloading system shall not exceed the limitations listed in the table above (Construction Permit 05BO0703, as modified under the provisions of Section I, Condition 1.3 to increase the PM₁₀ emission limitation). Compliance with the PM and PM₁₀ emission limitations shall be monitored by calculating emissions monthly using the emission factors specified in the table below and the monthly quantity of cement unloaded. Monthly emissions shall be used in a rolling twelve month total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months' data.

Pollutant	Activity	Emission Factor	Control Efficiency	Source
PM	Rail car to hopper	0.60	98 %	From Division's Preliminary Analysis for Construction Permit - AP-42, cement handling portion of concrete batching, section 11.12, corrected for site differences.
	hopper to pneumatic pump (screw conveyor)	0.45	99 %	
	Pneumatic trans to silo	0.27	98 %	
PM ₁₀	Rail car to hopper	0.40	98 %	
	hopper to pneumatic pump (screw conveyor)	0.29	99 %	
	Pneumatic trans to silo	0.17	98 %	

Note that the control efficiencies listed in the above table may be applied to the emission calculations provided the requirements in Condition 24.3 have been met.

- 24.3 The rail car unloading system shall is subject to the following control device and operational requirements:
- 24.3.1 This source shall be equipped with a pulse jet fabric filter baghouse capable of limiting particulate matter emissions to 0.02 grains per dry standard cubic feet. (Construction Permit 05BO0703)

In the absence of credible evidence to the contrary, compliance with the grain loading limitation is presumed provided the baghouse is operated and maintain in accordance with the requirements specified in Condition 19.

- 24.3.2 Prior to initiating the discharge from the railcar into the unloading hopper, the seals between the railcar and hopper shall be firmly engaged and the exhaust fan started to maintain a negative pressure of at least 3 inch water gauge in the hopper. After the railcar is emptied and the hopper is also emptied, the negative pressure shall be maintained for at least an additional five minutes to ensure all particulate matter is vented. A gauge showing the negative pressure shall be readily visible to the operator. (Construction Permit 05BO0703)

Cemex is calculating monthly and rolling 12-month totals of particulate emissions from the rail car unloading system using the above emission factors and control efficiencies. No railcar unloading has occurred since 2007 and therefore was not observed during the inspection. However, the system is equipped with a pulse jet fabric filter baghouse, as required, and has a pressure gauge to monitor negative pressure during railcar unloading. The O&M Plan states that Cemex will perform monthly Method 22 emission observations, as well as operational maintenance (i.e. check for leaks, evaluate equipment operation, check differential pressure, and check for dust in control equipment exhaust). In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 24.4 These sources are subject to the opacity limits set forth in Condition 20 of this permit.

This point is meeting the opacity requirements outlined in Condition 21. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 24.5 On and after the date on which the performance test required to be conducted by §60.8 is completed, you may not discharge into the atmosphere from any affected facility other than the kiln and clinker cooler any gases which exhibit 10 percent opacity, or greater. (40 CFR Part 60 Subpart F § 60.42(c))

Any sources other than kilns (including associated alkali bypass and clinker cooler) that are subject to the 10 percent opacity limit must follow the appropriate monitoring procedures in §63.1350(f) (Condition 22.33), (m)(1) through (4), (10) and (11), (o), and (p) of this chapter. (60.64(b)(3))

No railcar unloading has occurred since 2007. The source was not operating at the time of this inspection and no visible emissions issues were noted. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

24.6 These sources are subject to the requirements in 40 CFR Part 63 Subpart LLL as set forth in Condition 22 of this permit.

Specifically these sources are subject to the operation and maintenance plan requirements and any related recordkeeping and reporting requirements associated with those requirements.

Note that the opacity requirement in 40 CFR Part 60 Subpart F (Condition 24.5) that applies to these sources is more stringent than the opacity limit in 40 CFR Part 63 Subpart LLL (§ 63.1345, Condition 22.6), so as provided for in § 63.1356 (Condition 22.62), these sources do not have to comply with the opacity requirement in § 63.1345. The opacity requirement in § 63.1345 is included in the permit shield for streamlined conditions (Section III.3) of this permit for these sources.

No railcar unloading has occurred since 2007. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

25. Kiln Control Device Support Equipment

AIRS Pt 055 – LIS-1: Lime Storage Silo

AIRS pt 054 – LIS-2: Lime Weigh Hopper

Parameter	Permit Condition Number	Limitations*	Compliance Emission Factor	Monitoring	
				Method	Interval
PM	25.1	LIS-1 0.67 lb/mo and 0.004 tons/yr LIS-2 0.67 lb/mo and 0.004 tons/yr	LIS-1 0.61 lb/ton LIS-2 0.61 lb/ton	Recordkeeping and Calculation	Monthly
PM ₁₀		LIS-1 0.67 lb/mo and 0.004 tons/yr LIS-2 0.67 lb/mo and 0.004 tons/yr	LIS-1 0.61 lb/ton LIS-2 0.61 lb/ton		

Parameter	Permit Condition Number	Limitations*	Compliance Emission Factor	Monitoring	
				Method	Interval
PM _{2.5}		LIS-1 0.67 lb/mo and 0.004 tons/yr LIS-2 0.67 lb/mo and 0.004 tons/yr	LIS-1 0.61 lb/ton LIS-2 0.61 lb/ton		
Lime Processed	25.2	LIS-1 1,008 tons/mo and 12,096 tons/yr		Recordkeeping	Monthly
		LIS-2 1,008 tons/mo and 12,096 tons/yr			
Opacity	25.3	Shall Not Exceed 20%		See Condition 25.3	
Hours of Operation	25.4			Recordkeeping	Monthly
Hours of Operation	25.5			See Condition 25.5	
Commence Construction	25.6	Construction Must Commence within 18 Months		See Condition 25.6	
Startup Notice	25.7	Notify Division 15 Days After Startup		Notification	Within 15 Days After Startup
Compliance Certification	25.8	Certify Compliance within 180 Days of Startup		See Condition 25.8	

*Monthly limits apply for the first year of operation only.

The source did not provide any operation, processing or emissions data for points 054 or 055. (Not In Compliance)

25.1 Particulate Matter (PM, PM₁₀ and PM_{2.5}) emissions from the lime silo (LIS-1) and the lime weigh hopper (LIS-2) shall not exceed the above limitations (as provided for under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part B, Section II.A.6 and Part C, Section X, based on requested emissions included on the APEN submitted on April 16, 2015). Monthly emissions for each unit shall be calculated by the end of the subsequent month using the above emission factors (EPA's Compilation of Emission Factors (AP-42), Section 11.17 (dated 2/98), Table 11.17-4, product loading enclosed truck) and the monthly throughput, as required by Condition 25.2, in the following equation:

$$\text{Tons/month} = \frac{\text{EF (lbs/hr)} \times \text{monthly throughput (tons/month)}}{2000 \text{ lbs/ton}}$$

Note that a control efficiency of 99.9% may be applied to the above equation provided the baghouses are operated and maintained in accordance with the requirements in Condition 19.

Compliance with the monthly limits shall be monitored by comparing the monthly emissions from each unit with the monthly limitations. Compliance with the monthly emissions limitations must be monitored for one year following startup. After the first year of operation the monthly emissions limitations are no longer applicable. (Note that startup commenced on July 1, 2016 therefore, the monthly limits apply until June 30, 2017.)

Monthly emissions from each unit shall be used in a rolling twelve month total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months data.

- 25.2 The quantity of lime processed through the lime silo (LIS-1) and the lime weigh hopper (LIS-2) shall not exceed the above limitations (as provided for under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part B, Section II.A.6 and Part C, Section X, based on the requested throughput included on the April 16, 2015 APEN). The quantity of lime handled through the lime silo (LIS-1) and the lime weigh hopper (LIS-2) shall be monitored and recorded monthly and used in the emission calculations in Condition 25.1.

Compliance with the monthly processing limits shall be monitored by comparing the monthly quantities of lime processed through each unit with the monthly limitations. Compliance with the monthly processing limits must be monitored for one year following startup. After the first year of operation the monthly processing limits are no longer applicable. (Note that startup commenced on July 1, 2016 therefore, the monthly limits apply until June 30, 2017.)

Monthly quantities of lime processed through each unit shall be used in a twelve month rolling total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months data.

- 25.3 Opacity of emissions from the lime silo (LIS-1) and the lime weigh hopper (LIS-2) shall not exceed 20% (Colorado Regulation No. 1, Section II.A.1). In the absence of credible evidence to the contrary, the lime silo (LIS-1) and the lime weigh hopper (LIS-2) shall be presumed to be in compliance with the 20% opacity limit provided the baghouses are operated and maintained in accordance with the requirements in Condition 25.5.
- 25.4 Hours of operation shall be monitored and recorded monthly. Monthly hours of operation shall be used to estimate emissions are specified in Condition 25.1.
- 25.5 The baghouses shall be operated and maintained in accordance with manufacturer's recommendations and good engineering practices. A copy of the operating and maintenance procedures, schedules for maintenance and/or inspection activities and records related to the operation and maintenance of the baghouses and good engineering

practices, such as records of routine maintenance and/or inspections shall be maintained and made available to the Division upon request.

- 25.6 The permit conditions in this Section II.25 of this permit, shall expire if construction of the lime silo (LIS-1) and the lime weigh hopper (LIS-2) does not commence within 18 months of submittal of a complete minor modification application [received April 16, 2015]; construction is discontinued for a period of 18 months or more; or construction is not completed within a reasonable time of the estimated completion date (Colorado Regulation No. 3, Part B, Section III.F.4.a.(i) thru (ii)).
- 25.7 Unless prior and mutually acceptable arrangements have been made, the applicant shall give notice to the Division within fifteen calendar days after the date on which commencement of operation takes place. (Colorado Regulation No. 3, Part B, Section III.G.1)
- 25.8 Within one hundred eighty (180) calendar days after commencement of operation of the lime silo (LIS-1) and the lime weigh hopper (LIS-2), the permittee shall certify compliance with the conditions in this Section II.25 of this permit. (Colorado Regulation No. 3, Part B, Section III.G.2). Submittal of the first required semi-annual monitoring report (Appendix B), after startup of these units shall serve as the self-certification that the newly installed lime silo and lime weigh hopper can comply with the conditions in this Section II.25 of this permit.

The source did not provide any operation, processing or emissions data for points 054 or 055. (Not In Compliance)

26. Stationary Internal Combustion Engines

AIRS Pt 053 – A-Pit Pump: Diesel Fuel-Fired Engine (rated at 90 hp)

Diesel Fuel-Fired Engines Rated at 80 hp (Dowe Flats 6” Pump) and 84 hp (Dowe Flats 8” Pump)

Natural Gas-Fired Emergency Engine rated at 230 hp (Kiln Donkey Engine)

Parameter	Permit Condition Number	Limitation	Compliance Emission Factor	Monitoring Method Interval
MACT Subpart <i>ZZZZ</i> Requirements	26.1	Change Oil and Filter Inspect Air Cleaner Inspect all Hoses and Belts		See Condition 26.1

Parameter	Permit Condition Number	Limitation	Compliance Emission Factor	Monitoring	
				Method	Interval
SO₂ – Pump Engines only	26.2	0.8 lb/MMBtu		Fuel Restriction	Only Diesel Fuel is Used as Fuel
Hours of Operation	26.3			Recordkeeping	Annually
Annual Emissions – A-Pit Pump Only	26.4		NO _x : 0.031 lb/hp-hr CO: 0.0067 lb/hp-hr	Recordkeeping and Calculation	Annually
Opacity	26.5	Not to Exceed 20% Except as Provided for Below		See Condition 26.5	
		For Startup – Not to Exceed 30%, for a Period or Periods Aggregating More than Six (6) Minutes in any 60 Consecutive Minutes			

Note that these emission units are exempt from the APEN reporting requirements in Regulation No. 3, Part A and the construction permit requirements in Regulation No. 3, Part B provided actual, uncontrolled emissions do not exceed the APEN de minimis level (1 ton/yr of NO_x). An APEN is triggered for these engines if hours of operation meet or exceed the following: 716 hrs/yr, 806 hrs/yr (80 hp engine), 768 hrs/yr (84 hp engine) and 1,261 hrs/yr (230 hp engine). An APEN was submitted for the A-pit pump on July 1, 2013.

Diesel Fuel-Fired Emergency Engine Rated at 99 hp/73.8 kW (Flood Response Engine)

Parameter	Permit Condition Number	Limitation	Compliance Emission Factor	Monitoring	
				Method	Interval
Hours of Operation	26.3			Recordkeeping	Annually
Opacity	26.5	Not to Exceed 20% Except as Provided for Below		See Condition 26.5	

Parameter	Permit Condition Number	Limitation	Compliance Emission Factor	Monitoring	
				Method	Interval
		For Startup – Not to Exceed 30%, for a Period or Periods Aggregating More than Six (6) Minutes in any 60 Consecutive Minutes			
NSPS Subpart III	26.6	NO _x -NMHC – 4.7 g/kw-hr CO – 5.0 g/kw-hr PM – 0.40 g/kw-hr		See Condition 26.6	
MACT ZZZZ Requirements	26.7	Compliance with MACT met by complying with NSPS Subpart III		See Condition 26.7	

Note that this emission unit is exempt from the APEN reporting requirements in Regulation No. 3, Part A and the construction permit requirements in Regulation No. 3, Part B provided actual, uncontrolled emissions do not exceed the APEN de minimis level (1 ton/yr of NO_x). An APEN is triggered for this engine if hours of operation meet or exceed the 2,615 hrs/yr.

The source did not provide any operating, consumption or emission data for these engines. The source reported that there are no existing maintenance records on the A-Pit Pump - Diesel fuel-fired engine, rated at 90 hp or the Flood Engine - Diesel fuel-fired engine, rated at 99 hp (Emergency Engine) for 2017, and are therefore it is assumed to have had no maintenance performed on them. (Not In Compliance)

26.1 The **Pump and Kiln engines** are subject to the requirements in 40 CFR Part 63 Subpart ZZZZ, “National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines”, as follows:

The requirements below reflect the current rule language as of the revisions to 40 CFR Part 63 Subpart ZZZZ published in the Federal Register on January 30, 2013 (including the corrections published March 6, 2013 and revisions to test methods published February 27, 2014). However, if revisions to this Subpart are promulgated at a later date, the owner or operator is subject to the requirements contained in the revised version of 40 CFR Part 63 Subpart ZZZZ.

The D. C. Circuit Court issued a mandate on May 4, 2016 for vacatur for certain requirements allowing emergency engines to operate for limited hours for demand response. Upon issuance of the mandate § 63.6640(f)(2)(ii)-(iii) (Conditions 26.1.12.2.b and 26.1.12.2.c) have no legal effect. Operation of emergency engines is limited to

emergency situations specified in 63.6640(f)(1) (Condition 26.1.12.1); maintenance checks and readiness testing for a limited number of hours per year as specified in 63.6640(f)(2)(i) (Condition 26.1.12.2.a); and certain non-emergency situations for a limited number of hours per year as specified in 63.6640(f)(3)–(4) (Condition 26.1.12.3). See EPA memorandum dated April 15, 2016 regarding “Guidance on Vacatur of RICE NESHAP and NSPS Provisions for Emergency Engines” for more information.

It should be noted that additional revisions to the requirements in 40 CFR Part 63 Subpart ZZZZ are expected to be made in response to issues related to legal action associated with the allowable hours of operation provisions for emergency engines regarding engines used for demand response. If such revisions are finalized prior to issuance of the permit, they will be included in the permit.

As of the date of this permit issuance [March 1, 2017], the requirements in 40 CFR Part 63 Subpart ZZZZ promulgated after July 1, 2007 have not been adopted into Colorado Regulation No. 8, Part E and are therefore not state-enforceable. In the event that these requirements are adopted into Colorado Regulations, they will become state-enforceable.

The requirements in 40 CFR Part 63 Subpart ZZZZ promulgated after July 1, 2007 have not been adopted into Colorado Regulation No. 8, Part E and are therefore not state-enforceable. Compliance with applicable requirements is not addressed in this report.

When do I have to comply with this subpart (§ 60.6595)

26.1.1 If you have an existing stationary CI RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions, you must comply with the applicable emission limitations, operating limitations, and other requirements no later than May 3, 2013. (§ 63.6595(a)(1))

What emission limitations and other requirements must I meet if I own or operate an existing stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions? (§ 63.6602)

26.1.2 If you own or operate an existing stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions, you must comply with the emission limitations and other requirements in Table 2c to this subpart which apply to you. Compliance with the numerical emission limitations established in this subpart is based on the results of testing the average of three 1-hour runs using the testing requirements and procedures in §63.6620 and Table 4 to this subpart. (§ 63.6602) Note that this engine is not subject to numerical emission limitations.

The requirements in Table 2c that apply to **the pump engines** are as follows:

- 26.1.2.1 Change oil and filter every 1,000 hours of operation or annually, whichever comes first. (Table 2c, item 2.a)
- 26.1.2.2 Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary. (Table 2c, item 2.a)
- 26.1.2.3 Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary. (Table 2c, item 2.c)

The requirements in Table 2C that apply to **the kiln engine** are as follows:

- 26.1.2.4 Change oil and filter every 500 hours of operation or annually, whichever comes first. (Table 2c, item 6.a)
- 26.1.2.5 Inspect spark plugs every 1,000 hours of operation or annually, whichever comes first, and replace as necessary. (Table 2c, item 6.b)
- 26.1.2.6 Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary. (Table 2c, item 6.c)

Notwithstanding the above requirements, the following applies:

- 26.1.2.7 **Kiln engine only.** If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the work practice requirements on the schedule required in Table 2c of this subpart, or if performing the work practice on the required schedule would otherwise pose an unacceptable risk under federal, state, or local law, the work practice can be delayed until the emergency is over or the unacceptable risk under federal, state, or local law has abated. The work practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under federal, state, or local law has abated. Sources must report any failure to perform the work practice on the schedule required and the federal, state or local law under which the risk was deemed unacceptable. (Table 2c, footnote 2)
- 26.1.2.8 Sources have the option to utilize an oil analysis program as described in Conditions 26.1.8 or 26.1.9 in order to extend the specified oil change requirement in Table 2c of this subpart. (Table 2c, footnote 2)
- 26.1.2.9 Sources can petition the Administrator pursuant to the requirements of 40 CFR 63.6(g) for alternative work practices. (Table 2c, footnote 3)

What are my general requirements for complying with this subpart? (§ 63.6605)

- 26.1.3 You must be in compliance with the emission limitations, operating limitations, and other requirements in this subpart that apply to you at all times. (§63.6605(a))
- 26.1.4 At all times you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. (§ 63.6605(b))

What are my monitoring, installation, collection, operation, and maintenance requirements? (§ 63.6625)

- 26.1.5 If you own or operate an existing stationary RICE with a site rating of less than 100 HP or an existing emergency or black start stationary RICE with a site rating of less than or equal to 500 HP located at a major source of HAP emissions you must operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions. (§ 63.6625(e), (e)(1) and (e)(1))
- 26.1.6 If you own or operate an existing emergency stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions or an existing emergency stationary RICE located at an area source of HAP emissions, you must install a non-resettable hour meter if one is not already installed. (60.6625(f))
- 26.1.7 If you operate a new, reconstructed, or existing stationary engine, you must minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup in Tables 1a, 2a, 2c, and 2d to this subpart apply. (§ 63.6625(h))
- 26.1.8 If you own or operate a stationary CI engine that is subject to the work, operation or management practices in Condition 26.1.2, you have the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Condition 26.1.2.1. The oil analysis must be performed at the same frequency specified for changing the oil in Condition 26.1.2.1. The

analysis program must at a minimum analyze the following three parameters: Total Base Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Base Number is less than 30 percent of the Total Base Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil. If any of the limits are exceeded, the engine owner or operator must change the oil within 2 business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil within 2 business days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine. (§ 63.6625(i))

- 26.1.9 **Kiln Engine only.** If you own or operate a stationary SI engine that is subject to the work, operation or management practices in Condition 26.1.2, you have the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Condition 26.1.2.4. The oil analysis must be performed at the same frequency specified for changing the oil in Condition 26.1.2.4. The analysis program must at a minimum analyze the following three parameters: Total Acid Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Acid Number increases by more than 3.0 milligrams of potassium hydroxide (KOH) per gram from Total Acid Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil. If any of the limits are exceeded, the engine owner or operator must change the oil within 2 business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil within 2 business days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.

How do I demonstrate continuous compliance with the emission limitations, operating limitations, and other requirements? (§ 63.6640)

- 26.1.10 You must demonstrate continuous compliance with each emission limitation, operating limitation, and other requirements in Tables 1a and 1b, Tables 2a

and 2b, Table 2c, and Table 2d [Condition 26.1.2] to this subpart that apply to you according to methods specified in Table 6 to this subpart. (§ 63.6630(a))

26.1.10.1 Operating and maintaining the stationary RICE according to the manufacturer's emission-related operation and maintenance instructions (Table 6, item 9.a.i); or

26.1.10.2 Develop and follow your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions. (Table 6, item 9.a.ii)

26.1.11 You must also report each instance in which you did not meet the requirements in Table 8 to this subpart that apply to you (Condition 26.1.16). (§ 63.6640(e))

26.1.12 **Kiln engine only.** If you own or operate an emergency stationary RICE, you must operate the emergency stationary RICE according to the requirements in Conditions 26.1.12.1 through 26.1.12.3. In order for the engine to be considered an emergency stationary RICE under this subpart, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year, as described in Conditions 26.1.12.1 through 26.1.12.3, is prohibited. If you do not operate the engine according to the requirements in Conditions 26.1.12.1 through 26.1.12.3, the engine will not be considered an emergency engine under this subpart and must meet all requirements for non-emergency engines. (§ 63.6640(f))

26.1.12.1 There is no time limit on the use of emergency stationary RICE in emergency situations. (§ 63.6640(f)(1))

26.1.12.2 You may operate your emergency stationary RICE for any combination of the purposes specified in Conditions 26.1.12.2.a through 26.1.12.2.c for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by Condition 26.1.12.3 counts as part of the 100 hours per calendar year allowed by this condition. (§ 63.6640(f)(2))

a. Emergency stationary RICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local

standards require maintenance and testing of emergency RICE beyond 100 hours per calendar year. (§ 63.6640(f)(2)(i))

- b. Emergency stationary RICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see §63.14), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3. (§ 63.6640(f)(2)(ii))
- c. Emergency stationary RICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency. (§ 63.6640(f)(2)(iii))

26.1.12.3 Emergency stationary RICE located at major sources of HAP may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in Condition 26.1.12.2

26.1.12.4 . The 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity. (§ 63.6640(f)(3))

What records must I keep? (§ 63.6655)

26.1.13 You must keep records of the maintenance conducted on the stationary RICE in order to demonstrate that you operated and maintained the stationary RICE and after-treatment control device (if any) according to your own maintenance plan if you own or operate an existing stationary RICE with a site rating of less than 100 brake HP located at a major source of HAP emissions or an existing stationary emergency engine. (§ 63.6655(e), (e)(1) and (e)(2))

26.1.14 **Kiln engine only.** If you own or operate an existing emergency stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions that does not meet the standards applicable to non-emergency engines, you must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The owner or operator must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engine is used for

the purposes specified in Conditions 26.1.12.2.b or 26.1.12.2.c or §63.6640(f)(4)(ii), the owner or operator must keep records of the notification of the emergency situation, and the date, start time, and end time of engine operation for these purposes. (§ 63.6655(f) and (f)(2))

In what form and how long shall I keep my records? (§ 63.6660)

26.1.15 Records shall be kept in the form and for the duration specified in § 63.6660.

What parts of the General Provisions apply to me? (§ 63.6665)

26.1.16 Table 8 to Subpart ZZZZ shows which parts of the General Provisions in §§ 63.1 through 63.15 apply to you. (§ 63.6665) The general provisions that apply to these engine include, but are not limited to the following:

26.1.16.1 Prohibited activities in § 63.4(a).

26.1.16.2 Circumvention in § 63.4(b).

The requirements in 40 CFR Part 63 Subpart ZZZZ promulgated after July 1, 2007 have not been adopted into Colorado Regulation No. 8, Part E and are therefore not state-enforceable. Compliance with applicable requirements is not addressed in this report.

26.2 Sulfur Dioxide (SO₂) emissions from **each pump engines** shall not exceed 0.8 lb/MMBtu (Colorado Regulation No. 1, Section VI.B.4.b.(i)). In the absence of credible evidence to the contrary, compliance with the SO₂ emission limitation shall be presumed since only diesel fuel is permitted to be used as fuel in these engines.

Without evidence to the contrary, compliance is presumed since diesel fuel is the only permitted fuel for these engines. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

26.3 Hours of operation **for each engine** shall be monitored annually (calendar year) and recorded in a log to be made available to the Division upon request.

If annual hours of operation exceed 806 hours for the 6 inch pump, 768 hours for the 8 inch pump, 1,261 hours for the kiln engine or 2,615 hours for the flood response engine, an APEN is required for that engine and an APEN shall be filed.

Hours of operation for the A-pit pump shall be used to calculate annual emissions as required by Condition 26.4

- 26.4 Annual emissions for purposes of APEN reporting and the payment of annual fees shall be estimated using hours of operation (as required by Condition 26.3), the maximum horsepower (90 hp) and the above emission factors (AP-42, Section 3.3 (dated 10/96), Table 3.3-1) in the following equation:

$$\text{Emissions (tons/yr)} = \frac{\text{EF (lb-hp-hr)} \times \text{annual hours of operation (hr/yr)} \times \text{max hp}}{2000 \text{ lb/ton}}$$

Note that if emissions from the A-pit pump engine fall below 1 ton per year of NO_x (716 hours per year of operation), then the APEN can be cancelled for this engine by submitting an APEN cancellation form. However, if in any calendar year, emissions of NO_x exceed 1 ton per year, an APEN must be re-filed.

These emission units are exempt from the APEN reporting requirements in Regulation No. 3, Part A and the construction permit requirements in Regulation No. 3, Part B provided actual, uncontrolled emissions do not exceed the APEN de minimis level (1 ton/yr of NO_x). An APEN is triggered for these engines if hours of operation meet or exceed the following: 716 hrs/yr, 806 hrs/yr (80 hp engine), 768 hrs/yr (84 hp engine) and 1,261 hrs/yr (230 hp engine) and 2,615 hrs/yr (99 hp engine). The source did not provide any operating, consumption or emission data for these engines. (Not In Compliance)

- 26.5 Opacity of emissions **from each engine** shall not exceed the following:

26.5.1 Except as provided for in Condition 26.5.2 below, no owner or operator of a source shall allow or cause the emission into the atmosphere of any air pollutant which is in excess of 20% opacity (Colorado Regulation No. 1, Section II.A.1).

26.5.2 No owner or operator of a source shall allow or cause to be emitted into the atmosphere any air pollutant resulting from startup which is in excess of 30% opacity for a period or periods aggregating more than six (6) minutes in any sixty (60) consecutive minutes (Colorado Regulation No. 1, Section II.A.4).

Compliance with these limitations shall be monitored by conducting opacity observations in accordance with EPA Reference Method 9 as follows:

26.5.3 **For natural gas-fired engines (kiln engine).** In the absence of credible evidence to the contrary, compliance with the opacity requirements will be presumed since only natural gas is used as fuel in this engine. The permittee shall maintain records that verify that only natural gas is used as fuel in this engine.

26.5.4 **For diesel fuel fired engines (pump engines and flood relief engine).** Compliance with the opacity limitations shall be monitored by conducting opacity observations in accordance with Method 9 as follows:

26.5.4.1 As specified in Condition 26.1.7 engine startup shall not exceed 30 minutes. An engine startup period of less than 30 minutes shall not require an opacity observation to monitor compliance with the opacity limit in Condition 26.5.2. A record shall be kept of the date and time the engine started and when it was shutdown.

26.5.4.2 An opacity observation shall be conducted annually (calendar year period) on each engine to monitor compliance with the opacity limit in Condition 26.5.1. Annual opacity observations for an individual engine shall be separated by a period of four (4) months.

If an engine is operated more than 250 hours in any calendar year period, a second opacity observation shall be conducted. If two opacity readings are conducted in the annual (calendar year) period, such readings shall be conducted at least thirty days apart.

26.5.4.3 If an engine is not operated during the annual (calendar year) period, then no opacity observation is required.

26.5.4.4 Subject to the provisions of C.R.S. 25-7-123.1 and in the absence of credible evidence to the contrary, exceedance of the opacity limit shall be considered to exist from the time a Method 9 reading is taken that shows an exceedance of the opacity limit until a Method 9 reading is taken that shows the opacity is less than the opacity limit.

26.5.4.5 All opacity observations shall be performed by an observer with current and valid Method 9 certification. Results of Method 9 readings and a copy of the certified Method 9 reader's certificate shall be kept on site and made available to the Division upon request.

The source did not provide any operating, consumption or emission data for these engines. The sources were not operating at the time of this inspection and no visible emissions issues were noted. The source conducted Method 9 readings on these engines in 2018; no exceedances were noted. (Not In Compliance)

26.6 The **flood response engine** is subject to the requirements in 40 CFR Part 60 Subpart III, "Standards of Performance for Stationary Compression Ignition Internal Combustion Engines", as adopted by reference in Colorado Regulation No. 6, Part A, including but not limited to the following requirements:

The requirements below reflect the rule language in 40 CFR Part 60 Subpart III as of the latest revisions to 40 CFR Part 60 Subpart III published in the Federal Register on July 7, 2016. However, if revisions to this Subpart are promulgated at a later date, the owner or operator is subject to the requirements contained in the revised version of 40 CFR Part 60 Subpart III.

The D. C. Circuit Court issued a mandate on May 4, 2016 for vacatur for certain requirements allowing emergency engines to operate for limited hours for demand response. Upon issuance of the mandate § 60.4211(f)(2)(ii)-(iii) (Conditions 26.6.8.2.b and c) have no legal effect. Operation of emergency engines is limited to emergency situations specified in 60.4211(f)(1) (Condition 26.6.8.1); maintenance checks and readiness testing for a limited number of hours per year as specified in 60.4211(f)(2)(i) (Condition 26.6.8.2.a); and certain non-emergency situations for a limited number of hours per year as specified in 60.4211(f)(3) (Condition 26.6.8.3). See EPA memorandum dated April 15, 2016 regarding “Guidance on Vacatur of RICE NESHAP and NSPS Provisions for Emergency Engines” for more information.

It should be noted that additional revisions to the requirements in 40 CFR Part 60 Subpart III are expected to be made in response to issues related to the vacatur or requirements associated with the allowable hours of operation provisions for emergency engines discussed in the above paragraph. If such revisions are finalized prior to issuance of the permit, they will be included in the permit.

What emission standards must I meet for emergency engines if I am an owner or operator of a stationary CI internal combustion engine? (§ 60.4205)

26.6.1 Owners and operators of 2007 model year and later emergency stationary CI ICE with a displacement of less than 30 liters per cylinder that are not fire pump engines must comply with the emission standards for new nonroad CI engines in § 60.4202, for all pollutants, for the same model year and maximum engine power for their 2007 model year and later emergency stationary CI ICE. (§ 60.4205(b))

Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a maximum engine power less than or equal to 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder that are not fire pump engines to the emission standards specified in paragraphs (a)(1) through (2) of this section. (§ 60.4202(a))

For engines with a maximum engine power greater than or equal to 37 KW (50 HP), the certification emission standards for new nonroad CI engines for the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants beginning in model year 2007. (§ 60.4202(a)(2))

The specific emission limitations in 40 CFR 89.112 that apply to engine E001 are as follows:

Tier 3 requirements for Model Engines Greater than or Equal to 37 kW and Less than 75 kW					
Emission Standards (g/kW-hr)			Emission Standards (g/hp-hr)		
NMHC + NOX	CO	PM	NMHC + NOX	CO	PM
4.7	5.0	0.40	3.50	3.72	0.30

How long must I meet the emission standards if I am an owner or operator of a stationary CI internal combustion engine? (§ 60.4206)

26.6.2 Owners and operators of stationary CI ICE must operate and maintain stationary CI ICE that achieve the emission standards as required in §§60.4204 and 60.4205 over the entire life of the engine. (§ 60.4206)

What fuel requirements must I meet if I am an owner or operator of a stationary CI internal combustion engine subject to this subpart? (§ 60.4207)

26.6.3 Beginning October 1, 2010, owners and operators of stationary CI ICE subject to this subpart with a displacement of less than 30 liters per cylinder that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(b) for nonroad diesel fuel, except that any existing diesel fuel purchased (or otherwise obtained) prior to October 1, 2010, may be used until depleted. (§ 60.4207(a))

The fuel limitations in 80.510(b) are: sulfur content of 15 ppm maximum for NR diesel fuel and 500 ppm maximum for LM diesel fuel and a minimum cetane index of 40 or a maximum aromatic content of 35 volume percent.

Compliance with the fuel limitations shall be monitored by sampling and analyzing each shipment of diesel fuel to determine the sulfur and cetane and/or aromatic content using appropriate ASTM methods, or equivalent if approved in advance by the Division. In lieu of sampling, vendor data may be used to verify that the diesel fuel delivered meets the sulfur and cetane and/or aromatic requirements.

What are the monitoring requirements if I am an owner or operator of a stationary CI internal combustion engine? (§ 60.4209)

If you are an owner or operator, you must meet the monitoring requirements of this section. In addition, you must also meet the monitoring requirements specified in §60.4211.

- 26.6.4 If you are an owner or operator of an emergency stationary CI internal combustion engine that does not meet the standards applicable to non-emergency engines, you must install a non-resettable hour meter prior to startup of the engine. (§ 60.4209(a))
- 26.6.5 If you are an owner or operator of a stationary CI internal combustion engine equipped with a diesel particulate filter to comply with the emission standards in §60.4204, the diesel particulate filter must be installed with a backpressure monitor that notifies the owner or operator when the high backpressure limit of the engine is approached. (§ 60.4209(b))

What are my compliance requirements if I am an owner or operator of a stationary CI internal combustion engine? (§ 60.4211)

- 26.6.6 If you are an owner or operator and must comply with the emission standards specified in this subpart, you must do all of the following, except as permitted under § 60.4211(g) (Condition 26.6.9):
- 26.6.6.1 Operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's emission-related written instructions;
 - 26.6.6.2 Change only those emission-related settings that are permitted by the manufacturer; and
 - 26.6.6.3 Meet the requirements of 40 CFR parts 89, 94 and/or 1068, as they apply to you. (§ 60.4211(a)(1) – (3))
- 26.6.7 If you are an owner or operator of a 2007 model year and later stationary CI internal combustion engine and must comply with the emission standards specified in §60.4204(b) or §60.4205(b), or if you are an owner or operator of a CI fire pump engine that is manufactured during or after the model year that applies to your fire pump engine power rating in table 3 to this subpart and must comply with the emission standards specified in §60.4205(c), you must comply by purchasing an engine certified to the emission standards in §60.4204(b), or §60.4205(b) or (c), as applicable, for the same model year and maximum (or in the case of fire pumps, NFPA nameplate) engine power. The engine must be installed and configured according to the manufacturer's emission-related specifications, except as permitted in § 60.4211(g) (Condition 26.6.9). (§ 60.4211(c))
- 26.6.8 If you own or operate an emergency stationary ICE, you must operate the emergency stationary ICE according to the requirements in 60.4211(f)(1) through (3) (Conditions 26.6.8.1 through 26.6.8.3). In order for the engine to be considered an emergency stationary ICE under this subpart, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year, as described in 60.4211(f)(1) through (3) (Conditions 26.6.8.1 through 26.6.8.3),

is prohibited. If you do not operate the engine according to the requirements in 60.4211(f)(1) through (3) (Conditions 26.6.8.1 through 26.6.8.3), the engine will not be considered an emergency engine under this subpart and must meet all requirements for non-emergency engines. (§ 60.4211(f))

26.6.8.1 There is no time limit on the use of emergency stationary ICE in emergency situations. (60.4211(f)(1))

26.6.8.2 You may operate your emergency stationary ICE for any combination of the purposes specified in 60.4211(f)(2)(i) through (iii) for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by 60.4211(f)(3) counts as part of the 100 hours per calendar year allowed by this paragraph (f)(2). (60.4211(f)(2))

a. Emergency stationary ICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency ICE beyond 100 hours per calendar year. (60.4211(f)(2)(i))

b. Emergency stationary ICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency ICE beyond 100 hours per calendar year. (60.4211(f)(2)(ii))

c. Emergency stationary ICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency. (60.4211(f)(2)(iii))

26.6.8.3 Emergency stationary ICE may be operated for up to 50 hours per

calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in 60.4211(f)(2) (Condition 26.6.8.2). Except as provided in 60.4211(f)(3)(i), the 50 hours per calendar year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity. (60.4211(f)(3))

a. The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the requirements in 60.4211(f)(3)(i)(A) through (E) are met. (60.4211(f)(3)(i))

26.6.9 If you do not install, configure, operate, and maintain your engine and control device according to the manufacturer's emission-related written instructions, or you change emission-related settings in a way that is not permitted by the manufacturer, you must demonstrate compliance as specified in § 60.4211(g)(1) through (3), as applicable. (§ 60.4211(g))

What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine? (§ 60.4214)

26.6.10 If the stationary CI internal combustion engine is an emergency stationary internal combustion engine, the owner or operator is not required to submit an initial notification. Starting with the model years in table 5 to this subpart, if the emergency engine does not meet the standards applicable to non-emergency engines in the applicable model year, the owner or operator must keep records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The owner must record the time of operation of the engine and the reason the engine was in operation during that time. (§ 60.4214(b))

26.6.11 If the stationary CI internal combustion engine is equipped with a diesel particulate filter, the owner or operator must keep records of any corrective action taken after the backpressure monitor has notified the owner or operator that the high backpressure limit of the engine is approached. (§ 60.4214(c))

What parts of the general provisions apply to me? (§ 60.4218)

26.6.12 Table 8 of this subpart shows which parts of the General Provisions in §§ 60.1 through 60.19 apply to you. (§ 60.4218) The general provisions that apply to these engines include, but are not limited to the following:

26.6.12.1 No article, machine, equipment or process shall be used to conceal an emission which would otherwise constitute a violation of an

applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gasses discharged to the atmosphere (§ 60.12).

The source did not provide any operating, consumption or emission data for these engines. The source reported that there are no existing maintenance records on the A-Pit Pump - Diesel fuel-fired engine, rated at 90 hp or the Flood Engine - Diesel fuel-fired engine, rated at 99 hp (Emergency Engine) for 2017, and are therefore it is assumed to have had no maintenance performed on them. (Not In Compliance)

- 26.7 The **flood response engine** is subject to the requirements in 40 CF Part 63 Subpart ZZZZ, “National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.” The specific applicable requirements are as follows:

Note that as of the date of renewal permit issuance [March 1, 2017], the requirements in 40 CFR Part 63 Subpart ZZZZ promulgated after July 1, 2007 have not been adopted into Colorado Regulation No. 8, Part E by the Division and are therefore not state-enforceable. In the event that the Division adopts these requirements they will be state-enforceable.

A new or reconstructed emergency or limited use stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions must meet the requirements of this part by meeting the requirements of 40 CFR part 60 subpart IIII, for compression ignition engines. No further requirements apply for such engines under this part. (63.6590(c) and (c)(6))

The requirements in 40 CFR Part 63 Subpart ZZZZ promulgated after July 1, 2007 have not been adopted into Colorado Regulation No. 8, Part E and are therefore not state-enforceable. Compliance with applicable requirements is not addressed in this report.

SECTION III - Permit Shield

In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

SECTION IV - General Permit Conditions

5/22/12 version

Based on statements made by the source, observations made at the time of the inspection, a review of source records and with no evidence to the contrary, the source is presumed to operate in compliance with the General Permit Conditions. (In Compliance)

CONCLUSION

This compliance assessment is based on observations made during the inspection, information provided by the source, Division resources available and a review of Division records. Based on this information, CEMEX Construction Materials South, LLC is not in compliance with the following requirements:

1. Pursuant to Permit Number 95OPBO082 condition 5.13.3 the source was required to complete performance tests within the previous 6 months of within 60 days of the compliance deadline of July 1, 2017. The most recent testing of NOX & SO2 from the materials dryer was completed 6/14/2016. The source failed to complete testing of NOX & SO2 from the materials dryer between 1/1/2017 and 8/30/2017 violating Permit Number 95OPBO082 condition 5.13.3. Enforcement discretion is recommended for this issue because the source was taking action based on the Final Determination response letter from the Division's SIP Development Supervisor and because the testing was completed only about 6.5 months early.
2. Pursuant to Permit Number 95OPBO082 condition 10.9.1 the source is required to not allow or cause the emission into the atmosphere of any air pollutant which is in excess of 20% opacity. On 9/13/2017 a six-minute average opacity of 23 percent registered at the opacity monitor for the kiln stack violating Permit Number 95OPBO082 condition 10.9.1.
3. Pursuant to Permit Number 95OPBO082 condition 10.22.1.3 the source is required to not allow or cause the emission into the atmosphere of any air pollutant which is in excess of 20% opacity. On 9/13/2017 a six-minute average opacity of 23 percent registered at the opacity monitor for the kiln stack violating Permit Number 95OPBO082 condition 10.22.1.3.
4. Pursuant to Permit Number 95OPBO082 condition 11.4.1 the baghouses are required to be operated and maintained in accordance with the requirements in Condition 19. During the inspection it was observed that the baghouse controlling the P010 area (BH 525-17) had a differential pressure (DP) that was out of the acceptable range. Baghouses are not operated and maintained in accordance with the requirements in Condition 19 violating Permit Number 95OPBO082 condition 11.4.1
5. Pursuant to Permit Number 95OPBO082 conditions 11.6.1.2 and 11.6.1.10 the source is required to operate the plant based water truck on full-time basis, 12 hours a day, 7 days a week and operate a powered sweeper during day shift for 12 hours a day, 7 days a week. On 3/15/2017 from 8am to 10am the source failed to operate a powered sweeper during day shift for 12 hours and on 1/7/2018 from 11:23am to 6pm, 1/8/2018 from 6:40am to 6pm & 1/9/2018 from 6am to 12pm the source failed to operate the plant based water truck 12 hours a day violating Permit Number 95OPBO082 conditions 11.6.1.2 and 11.6.1.10.

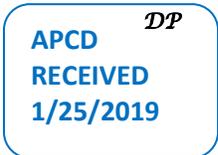
6. Pursuant to Permit Number 95OPBO082 condition 14.4.1.2a the source is required to operate the plant based water truck on full-time basis, 12 hours a day, 7 days a week. On 1/7/2018 from 11:23am to 6pm, 1/8/2018 from 6:40am to 6pm & 1/9/2018 from 6am to 12pm the source failed to operate the plant based water truck 12 hours a day violating Permit Number 95OPBO082 condition 14.4.1.2a.
7. Pursuant to Permit Number 95OPBO082 condition 19 the source is required to conduct routine maintenance and operational procedures performed on the baghouses in accordance with manufacturer's specifications and/or good engineering practices. During the inspection it was observed that the baghouse controlling the P010 area (BH 525-17) had a differential pressure (DP) that was out of the acceptable range violating Permit Number 95OPBO082 condition 19.
8. Pursuant to Permit Number 95OPBO082 condition 20.3 the baghouses are required to be operated and maintained in accordance with the requirements in Condition 19. During the inspection it was observed that the baghouse controlling the P010 area (BH 525-17) had a differential pressure (DP) that was out of the acceptable range. Baghouses are not operated and maintained in accordance with the requirements in Condition 19 violating Permit Number 95OPBO082 condition 20.3.
9. Pursuant to Permit Number 95OPBO082 condition 22.9.3 the source is required to turn on and operate all dry sorbent and activated carbon systems that control hazardous air pollutants at the time the gas stream at the inlet to the baghouse or ESP reaches 300 degrees Fahrenheit. On 7/21/2017 for approximately 49 minutes the source failed to start injecting carbon and lime at 300 degrees F on baghouse inlet temperature violating Permit Number 95OPBO082 condition 22.9.3.
10. Pursuant to Permit Number 95OPBO082 condition 22.33.2 the source must monitor opacity by conducting daily visible emissions observations of the raw and finish mills' PM control devices (PMCD) in accordance with the procedures of Method 22. The source failed to monitor opacity by conducting daily visible emissions observations of Raw Mill Dust Collector 325-1 on 11/21/2017, Raw Mill Auxiliary Dust Collector 325-2 on 11/21&22/2017, Finish Mill Dust Collector 725-2 on 11/22&24/2017 and 1/23/2018, Finish Mill Auxiliary Dust Collector 725-3 on 11/22&24/2017 and 1/23/2018, and Finish Mill Separator Dust Collectors 725- 10 & 725-11 on 11/22&24/2017 violating Permit Number 95OPBO082 condition 22.33.2.
11. Pursuant to Permit Number 95OPBO082 condition 25 the source is required to keep records and calculate emissions from the Lime Storage Silo (point 55) and the Lime Weigh Hopper (point 54). The source did not provide any operation, processing or emissions data for points 054 or 055 violating Permit Number 95OPBO082 condition 25.
12. Pursuant to Permit Number 95OPBO082 condition 26 the source is required to perform maintenance and keep records for the Stationary Internal Combustion Engines (point 053). The source did not provide any operating, consumption or emission data for these engines. Additionally the source reported that there are no existing maintenance records on the A-Pit Pump Diesel fuel-fired engine or the Flood Engine Diesel fuel-fired engine (Emergency Engine) for 2017 violating Permit Number 95OPBO082 condition 26.

Recommendation: Enforcement is recommended at this time.



Air Pollution Control Division

Field Inspection Report



COUNTY NUMBER: **013**

SOURCE NUMBER: **0003**

DATE OF INSPECTION: **December 12, 2018**

DATE REPORT SUBMITTED: **January 25, 2019**

COUNTY: **Boulder**

INSPECTOR: **Grant McKercher**

COMPANY: **CEMEX Construction Materials South, LLC**

SITE LOCATION: **5134 Ute Highway, Lyons, CO 80540**

MAILING ADDRESS: **Same**

CONTACT PERSON: **Scott Harcus**
(Environmental Manager)

TIME: **10:30 AM**

TELEPHONE NO.: **303-823-2124**

EMAIL: **scotta.harcus@cemex.com**

PERMIT NO.: **95OPBO082**

SOURCE CLASS: Major SM-80 Syn Minor Minor

INSPECTION TYPE: Full Compliance Evaluation Onsite Evaluation
Partial Compliance Evaluation Offsite Evaluation

Additional Inspection Records in File? Yes No

HOURS: Travel & Prep: **3.0** Inspection: **1.0** Report: **2.0** Total: **6.0**

COMPLIANCE STATUS: IN COMPLIANCE OUT OF COMPLIANCE

INTRODUCTION

On December 12, 2018, significant fugitive dust emissions were observed associated with clinker cooling and transfer activities at the CEMEX Construction Materials South, LLC’s cement production facility located at 5134 Ute Highway, Lyons, Boulder County, Colorado (“CEMEX”). On December 12, 2018, Mr. Grant McKercher, Inspector with the Colorado Department of Public Health and Environment – Air Pollution Control Division (“Division”) was on site to provide test oversight for a VOC emissions compliance test at the main stack (addressed in a separate report, see 0130003-STK-2019). During the test oversight and at about 11:30 AM, Mr. McKercher observed significant dust emissions from clinker transport elevators and an external clinker drop hood at the main clinker production building. Mr. McKercher met with Mr. Scott Harcus, CEMEX Environmental Manager, for a discussion and investigation regarding the cause of the emissions.

Mr. Harcus and maintenance personnel explained that the emissions were associated with a baghouse used to control emissions associated with the clinker cooler area. Mr. McKercher observed the Magnehelic gauge of a clinker cooler area baghouse, which displayed a differential pressure of about zero. The source explained that the baghouse likely was not pulling the required draft to control the clinker dust emissions associated with the elevators, clinker drop hood, and nearby transfer points. The source explained that in days prior to the event, a work order had been placed for replacement motor parts at a different baghouse in the A-frame building. When

asked about addressing the observed emissions, Mr. Harcus suggested using the A-frame baghouse for backup control, but until the component arrived and the other baghouse was repaired, the source would not achieve emissions control with either baghouse. The inspector did not observe any CEMEX personnel conducting visible emissions observations or any logs of the event. Once Mr. Harcus observed the emissions, no corrective actions were immediately taken. Mr. Harcus explained that plant operations would likely not be stopped or changed in order to address the uncontrolled emissions. The inspector requested baghouse maintenance records during the event, but as of the date of this report, no baghouse maintenance logs have been provided. CEMEX clinker processes continued to operate throughout the duration of the inspector's visit through the inspector's departure near 1:00 PM. Neither Mr. McKercher nor the source performed an EPA Method 9 opacity observation while the inspector was on site.

CEMEX called the event into the Division malfunction hotline on 12/12/2018. After guidance was provided, the source also provided a follow-up report of the event via email on 12/17/2018 (see attached). The report lists that the baghouse was identified as Baghouse Duct Collector #525-5 and that a damper was adjusted on 12/13/2018 to resolve the issue.

POINT AIRS ID/PERMIT NUMBERS

CEMEX operates under Operating Permit No. 95OPBO082. The following table includes the emissions points that are relevant to this report, as listed in the permit.

Process (Permit Section)	Plant ID	AIRS ID	Description	Pollution Control Device	Construction Permit
Clinker Cooling and Transfer to Storage for Finish Mill (Section II.10)	P008	008	S017 – Clinker Drag Chains (1 baghouse)	Baghouse (5 total)	12BO444-2
			S018 - Clinker Cooler (2 baghouses, 1 stack)		
			S023 – 529-25 Drag Conveyor (1 baghouse)		
			S024B – Outside Clinker Drop Hood (1 baghouse, vented to S018 stack through 525-8/9)		
Clinker and Gypsum/Additive Silos and Weigh Feeders (Storage and Transfer to Finish Mill) (Section II.11)	P009	009	S021 – Top of A Frame (Belt 529-30 to 529-63) ¹	Baghouse (14 total)	98BO0259
			S026, S027, S029, S030, S031 – Weigh Feeders 1, 2, 4, 5 and 6 ¹		
			S024 - #2 Clinker Silo		
			S032 – Bottom of A Frame Transfer ¹		
			S033 Gypsum/Limestone from 529-31 belt to Silos		
			S035 – Discharge of 629-3 Belt		
			S039 to S041 –Finish Mill Weigh Feeders ²		
			S038 - Surge Bin ²		
			¹ stacks vent inside A-Frame		
			² stacks vent inside mill building.		
Sheltered (A-Frame) Clinker Storage and Reclaim (Section II.11)	P010	010	S034 - #6 Reclaim Feeder and A-Frame Building	Baghouse	98BO0259
			S051 – Top of A Frame – Transfer from 529-29 belt to 529-30 belt		
Outdoor Clinker Piles and Handling (Section II.11)	P015	015	Outdoor Hot Clinker Pile	PM Emission Control Plan	98BO0259

Cement Finish Mill and Auxiliaries (Section II.11)	P011	011	S036 - Finish Mill	Baghouse (2 total)	98BO0259
			S037 – Finish Mill Auxiliary Dust Collector		
			Grinding and Limestone Handling		
	P012	031	S065 – Finish Mill Separator	Baghouses (2 total)	98BO0259
			S069 - Clinker Dust to Finish Mill (SEP project) – vents inside mill room		

SOURCE COMPLIANCE HISTORY

A full compliance history is listed in the 2018 full compliance evaluation report.

The 2018 inspection, conducted on 9/11/2018, found violations of Operating Permit No. 95OPBO082, Section II, Conditions 19 and 20.3 for failing to maintain the P010 area (BH 525-17) baghouse differential pressure within the acceptable range.

NSPS/NESHAP/MACT APPLICABILITY

A full list of applicability is listed in the 2018 full compliance evaluation report.

No NSPS/NESHAP/MACT rules apply to the issue addressed in this report.

REPORTS

Reporting is not applicable for this report.

MALFUNCTION REPORT REVIEW

The event was not a malfunction. No malfunctions reports were submitted to the Division.

COMPLIANCE ASSISTANCE/SOURCE ACTIONS

No compliance assistance was provided.

PERMIT CONDITIONS AND COMPLIANCE STATUS

Operating Permit No. 95OPBO082:

The format of the most recent issuance is followed in this section. Only the conditions that apply are listed. Each condition is from Section II of the permit. Text marked in **bold font** indicates inspector comments for each condition.

19. Baghouse Operation and Maintenance

Routine maintenance of and operational procedures performed on the baghouses shall be conducted in accordance with manufacturer's specifications and/or good engineering practices. Routine maintenance and operational procedures shall be in written format. A copy of the operating and maintenance procedures, schedules for maintenance and/or inspection activities and records related to the operation and maintenance of the baghouses and good engineering practices, such as records of routine maintenance and/or inspections shall be maintained and made available to the Division upon request.

Observations on 12/12/2018 indicated that a baghouse associated with clinker cooling and transfer activities had a differential pressure (DP) that was out of the acceptable range. Heavy fugitive dust emissions were associated with equipment's failure to capture emissions. This event was an indicator of a failure to

perform maintenance of and operational procedures in accordance with manufacturer's specifications and/or good engineering practices.

The source is out of compliance with this condition.

20. Colorado Regulation No. 1 Opacity Requirements

- 20.1 Except as provided in Condition 20.2, below, no owner or operator of a source shall allow or cause the emission into the atmosphere of any air pollutant which is in excess of 20% opacity. This standard is based on 24 consecutive opacity readings taken at 15-second intervals for six minutes. The approved reference test method for visible emissions measurement is EPA Method 9 (40 CFR Part 60, Appendix A (July, 1992)) in all subsections of Section II.A of Regulation No. 1. (Colorado Regulation No. 1, II.A.1).
- 20.2 No owner or operator of a source shall allow or cause to be emitted into the atmosphere any air pollutant resulting from the building of a new fire, cleaning of fire boxes, soot blowing, start-up, any process modification, or adjustment or occasional cleaning of control equipment, which is in excess of 30% opacity for a period or periods aggregating more than six minutes in any sixty consecutive minutes (Colorado Regulation No. 1, Section II.A.4).

Compliance with these opacity limits shall be monitored as follows:

- 20.3 Baghouses shall be operated and maintained in accordance with the requirements in Condition 19.

Observations on 12/12/2018 indicated that a baghouse associated with clinker cooling and transfer activities had a differential pressure (DP) that was out of the acceptable range. This is a violation of Condition 19 and is thus also a violation of this condition.

The source is out of compliance with this condition.

CONCLUSION

This partial compliance evaluation, based on observations made on 12/12/2018, information provided by the source, and Division records, finds that CEMEX (AIRS ID 013-0003) is out of compliance with the terms and conditions of Permit Number 95OPBO082 due to the following violations. Recommendations related to enforcement action are in **bold font**.

- A. Pursuant to Operating Permit Number No. 95OPBO082, Condition 19, CEMEX is required to conduct routine maintenance and operational procedures performed on the baghouses in accordance with manufacturer's specifications and/or good engineering practices. On 12/12/2018, heavy fugitive dust emissions were observed associated with a baghouse's failure to capture emissions, indicating a failure to perform maintenance of and operational procedures in accordance with manufacturer's specifications and/or good engineering practices, violating Operating Permit Number No. 95OPBO082, Condition 19.
- B. Pursuant to Operating Permit Number No. 95OPBO082, Condition 20.3, the baghouses are required to be operated and maintained in accordance with the requirements in Condition 19. On 12/12/2018, heavy fugitive dust emissions were observed associated with a baghouse's failure to capture emissions, indicating a failure to perform maintenance of and operational procedures in accordance with manufacturer's specifications and/or good engineering practices, violating Operating Permit Number No. 95OPBO082, Condition 20.3.

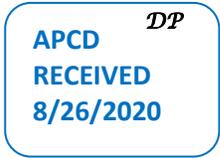
CEMEX was out of compliance on 12/12/2018.

Formal enforcement is recommended to address these violations.



Air Pollution Control Division

Field Inspection Report



COUNTY NUMBER: **013**

SOURCE NUMBER: **0003**

DATE OF INSPECTION: **8/4/2020**

DATE REPORT SUBMITTED: **8/26/2020**

COUNTY: **Boulder**

INSPECTOR: **Dave Huber**

COMPANY: **CEMEX Construction Materials South, LLC.**

SITE LOCATION: **Lyons Cement Plant - 5134 Ute Highway, Lyons (I-25 to CO-66 (exit 243) west ~14 miles)**

MAILING ADDRESS: **P.O. Box 529, Lyons, CO, 80540**

CONTACT PERSON: **Scott A Harcus**

TIME: **9 am**

TELEPHONE NO.: **1(303)823-2124; Mobile: 1(614)306-8838**

EMAIL: **scotta.harcus@cemex.com**

PERMIT NO.: **95OPBO082**

SOURCE CLASS: Major SM-8(Syn Minor Minor

INSPECTION TYPE: Full Compliance Evaluation Onsite Evaluation
Partial Compliance Evaluation Offsite Evaluation

Additional Inspection

Records in File? Yes No

HOURS: Travel & Prep: **28** Inspection: **4** Report: **105** Total: **137**

This compliance assessment is based on observations made during the inspection, information provided by the source, Division resources available and a review of Division records. Based on this information, this source is:

COMPLIANCE STATUS: IN COMPLIANCE OUT OF COMPLIANCE

INTRODUCTION

An announced inspection of the Cemex Lyons Cement Plant (CEMEX) was conducted. CEMEX operates a portland cement manufacturing facility in Lyons Colorado, under Operating Permit No. 95OPBO082, AIRS ID 013-0003. Scott Harcus, and Uwe Lubjuhn with CEMEX, granted access to the facility, answered questions, provided a tour and supplied records to determine compliance. Cemex is permitted to emit air pollution into the atmosphere in accordance with Operating Permit 95OPBO082, which was first issued February 1, 2000 and last revised November 1, 2017. This inspection report assesses compliance for the time period of 8/1/2019 to 4/30/2020. The facility is located near Lyons, 12 miles north of Boulder on Highway 66. The area in which the facility is located is classified as attainment/maintenance for particulate matter less than 10 microns (PM₁₀). Under that classification, all SIP-approved requirements for PM₁₀ will continue to apply in order to prevent backsliding under the provisions of



Section 110(l) of the Federal Clean Air Act. This area is classified as nonattainment for ozone and is part of the 8-hr Ozone Control Area as defined in Colorado Regulation No. 7, Section II.A.1.

There are no affected states within 50 miles of the plant. Rocky Mountain National Park, Rawah Wilderness Area and Eagle's Nest Wilderness Area are Federal Class I designated areas within 100 kilometers of the plant.

This facility manufactures portland cement. Limestone, shale, and other raw materials extracted from the quarry are processed through a primary crusher at the Dowe Flats quarry. The crushed material is transported to the plant on a 2.0 mile belt conveyor system and discharged to a stockpile. The stockpiled material is placed on a belt by means of a front end loader to be processed through a primary crusher, the dryer, and a secondary crusher. The material from the secondary crusher is stored in raw material storage silos. These storage silos contain silica and iron ore and various quarried raw materials. Material from these storage silos is discharged to weigh belts for the formulation of a desired product. The weigh belts discharge to the raw mill. The raw mill mixes and crushes the blended materials and delivers the homogenized material to storage silos. The homogenized material from the storage silos is delivered to the calciner portion of the kiln. Pulverized coal from the coal mill is fired at the bottom of the flash calciner. The calcined material from the calciner then enters the rotary kiln, which is located at a slight incline along its horizontal axis. The material travels towards the clinker discharge end where additional pulverized coal is fired for the clinkering process. The clinker is discharged from the kiln onto the clinker cooler. The clinker is cooled by large amounts of air that is forced upwards through the clinker bed by undergrate fans. A large percentage of the cooling air is recovered for use as primary air in the kiln combustion process. The cooled clinker is then moved to internal storage in an A-Frame building, or outside storage stockpiles. The stored clinker is the raw material for the finish mill. In the finish mill the clinker is combined with gypsum and ground to a fine material, passed through coolers and stored in the product silos. The material in the product silos can be loaded for bulk transport, or sent to a packaging system. From an over-all perspective, the manufacturing process may be viewed as two segments -- clinker production and cement production. The clinker storage allows the two processes to operate at different production rates. During periods of low demand for cement, clinker is accumulated. If cement is in high demand, the clinker production can be supplemented by purchase of clinker from other sources. The overall result is the clinker production can operate at a rather steady rate, while the cement production can operate in response to the current or projected demands.

POINT AIRS ID/PERMIT NUMBERS

Operating Permit Number: 95OPBO082

013-0003

Process (Permit Section)	Plant ID	AIRS ID	Description	Pollution Control Device	Construction Permit
Dowe Flats and Lyons Quarry – Fugitive Emission Sources (Section II.1)	P017	017	Blasting (combustion byproduct emissions)		Grandfathered
		025	(Particulate Emissions Only) Drilling , Blasting, Truck Loading/Unloading, Haul Roads (Dowe Flats), Scraper Activities, Grading, Bulldozing, Wind erosion of stockpiles and exposed areas	PM Emission Control Plan	93BO1414F
		026	S056 through S064 – Conveyor	Baghouse (8 total)	94BO593
027	S055 - Primary Crusher (Quarry)	Baghouse			
General Fugitive Emissions Requirements (Section II.14)	P018	028	Process Fugitives (Lyons Cement Plant) Not Subject to Emission Limitations Includes wind erosion of stock piles and various transfers not vented through a stack (e.g. belt and screw conveyor transfers)		Grandfathered
		019	Haul Roads (Lyons Cement Plant/Quarry and Dowe Flats Quarry) Not Subject to Emission Limitations Hauling of purchased limestone, iron, gypsum and silica and operation of water application system		Grandfathered
Raw Material Storage and Handling at Plant Site (Section II.3)	P000	024	Discharge of Primary-Crushed Material onto Open Stockpile S009 - Front End Loader Activity	PM Emission Control Plan	98BO0292
	P001	001	S002 - Primary Crushing (Plant)	Baghouses	P-10,225*

Process (Permit Section)	Plant ID	AIRS ID	Description	Pollution Control Device	Construction Permit
Primary Crusher (Plant) (Section II.4)			S004 - Surge Silo		P-10,535*
Raw Materials Drying (Section II.5)	P002	002	S005 - Raw Materials Dryer	Baghouse	12BO444-1
Secondary Crushing (Section II.6)	P003	003	Secondary Crushing and Screening (vents to S001 – Waste Dust Silo)	Baghouse (2 total)	Grandfathered
			S003 - #4 Belt Transfer		
Raw Material Storage Silos (Section II.7)	P004	004	S006 to S008 - Raw Material Storage Silos	Baghouse (3 total)	P-10,284*
Raw Material Grinding (Section II.8)	P005	005	S012 - Raw Mill Feeders	Baghouse (4 total)	Grandfathered
			S013 - Iron/Silica Silo		
			S010 - Raw Material Grinding		Grandfathered
			S011 –Raw Mill Auxiliary Dust Collector		
Homogenizing & Blending (Section II.9)	P006	006	S014 - Homogenizing Silo	Baghouse (2 total)	Grandfathered
			S015 - Kiln Feed Silo		Grandfathered
Kiln Burning (Section II.10)	P007	007	S016 - Precalciner Kiln	Baghouses (3) – Main, Hart and Alkali Bypass Selective Non-Catalytic Reduction (SNCR) System Activated Carbon and Lime Injection Systems	12BO444-2
Clinker Cooling and	P008	008	S017 – Clinker Drag Chains (1 baghouse)	Baghouse	12BO444-2

Process (Permit Section)	Plant ID	AIRS ID	Description	Pollution Control Device	Construction Permit
Transfer to Storage for Finish Mill (Section II.10)			S018 - Clinker Cooler (2 baghouses, 1 stack)	(5 total)	
			S023 – 529-25 Drag Conveyor (1 baghouse)		
			S024B – Outside Clinker Drop Hood (1 baghouse, vented to S018 stack through 525-8/9)		
Clinker and Gypsum/Additive Silos and Weigh Feeders (Storage and Transfer to Finish Mill) (Section II.11)	P009	009	S021 – Top of A Frame (Belt 529-30 to 529-63) ¹	Baghouse (14 total)	98BO0259
			S026, S027, S029, S030, S031 – Weigh Feeders 1, 2, 4, 5 and 6 ¹		
			S024 - #2 Clinker Silo		
			S032 – Bottom of A Frame Transfer ¹		
			S033 Gypsum/Limestone from 529-31 belt to Silos		
			S035 – Discharge of 629-3 Belt		
			S039 to S041 –Finish Mill Weigh Feeders ²		
			S038 - Surge Bin ²		
			¹ stacks vent inside A-Frame		
			² stacks vent inside mill building.		
Sheltered (A-Frame) Clinker Storage and Reclaim (Section II.11)	P010	010	S034 - #6 Reclaim Feeder and A-Frame Building	Baghouse	98BO0259
			S051 – Top of A Frame – Transfer from 529-29 belt to 529-30 belt		
Outdoor Clinker Piles and Handling (Section II.11)	P015	015	Outdoor Hot Clinker Pile	PM Emission Control Plan	98BO0259

Process (Permit Section)	Plant ID	AIRS ID	Description	Pollution Control Device	Construction Permit
Cement Finish Mill and Auxiliaries (Section II.11)	P011	011	S036 - Finish Mill	Baghouse (2 total)	98BO0259
			S037 – Finish Mill Auxiliary Dust Collector		
			Grinding and Limestone Handling		
	P012	031	S065 – Finish Mill Separator	Baghouses (2 total)	
S069 - Clinker Dust to Finish Mill (SEP project) – vents inside mill room	Baghouse				
Cement Silos/ Packhouse/ Loadout (Section II.11)	P013	013	S043 – Cement Storage Silos A10 and A13 S044 – Cement Storage Silo A7 S045 – Cement Finish Silo A2 S046 – Packhouses West and East (Loading Spouts, Baghouses 825-4 and 825-5 vent to a common stack) S048 – Recirculating System	Baghouse (8 Total)	98BO0259
Material Handling System – Load-In & Load-Out (Section II.12)	P014	014	S020 - Coal Silo/Elevator	Baghouse	C-10,316*, 10BO718*
			S019 – Material Unloading Hopper (Railcar)		
			S025 – Material Unloading Hopper and Spout (Trucks) Outdoor Coal Storage		
Cold Cleaner Solvent Vats (Section II.18)		APEN Exempt ₁	Cold Cleaner Solvent Vats	Work Practice Requirements	Permit Exempt

Process (Permit Section)	Plant ID	AIRS ID	Description		Pollution Control Device	Construction Permit
Handling and Processing of CKD and Raw Material Waste Dust (Section II.13)	P007A	049	Pneumatic Conveyance of Materials	S066 Cement Silo A5 S067 - CKD Loading Spout (vents indoors) S001 - Waste Dust Silo S022 - Kiln Return Dust Silo	Baghouses	98BO0315
			041 - Pug Mill Mixing, Pelletization and Truck Loading of CKD and Benefication Dust	041 - Pug Mill/Truck Loading	Baghouses	
			042 - Haulage and Disposal of Pelletized CKD and Benefication Dust	042 - Truck Hauling and Disposal at Lyons Quarry	PM Emission Control Measures	
Gasoline Storage Tank (Section II.15)		APEN Exempt ₁	Gasoline Storage Tank (3,000 gallons, aboveground)		Submerged Filling and Vapor Recovery	Permit Exempt
Cement Rail Car Unloading System (Section II.25)	P050	050	Cement Rail Car Unloading and Handling System – Hopper, screw conveyor and pneumatic transfer system		Baghouse BH-825-8	05BO0703

Process (Permit Section)	Plant ID	AIRS ID	Description	Pollution Control Device	Construction Permit
Kiln Control Device Support Equipment (Section II.26)	LIS-1	055	BCSA Inc, Silotop R03, Lime Storage Silo, S/N unknown.	Baghouse	
	LIS-2	054	BCSA Inc, Silotop R03, Lime Weigh Hopper, S/N unknown	Baghouse	
Stationary Internal Combustion Engines (Section II.27)	A-Pit Pump	053	John Deere, Model No. 4.5L, diesel fuel-fired engine driving a water pump. This engine is rated at 90 hp and 4.7 gal/hr		
	Dowe Flats 6" Pump	APEN Exempt ¹	John Deere, Model No. T0404045DF150, S/N unknown, diesel fuel-fired engine driving a water pump. This engine is rated at 80 hp and 0.6 MMBtu/hr (4.2 gal/hr).		
	Dowe Flats 8" Pump	APEN Exempt ¹	John Deere, Model No. T0404045DF150, S/N T04045T532755, diesel fuel-fired engine driving a water pump. This engine is rated at 84 hp and 0.6 MMBtu/hr (4.4 gal/hr).		
	Kiln Donkey Engine	APEN Exempt ¹	Natural gas-fired engine used to provide kiln rotation during power failure. No make, model or serial no. available for this engine. This engine is rated at ~ 230 hp.		
	Flood Response Engine	APEN Exempt ¹	Cummins Model No. 4BTAA3.3G7, S/N 75021552, diesel fuel-fired engine providing emergency power to flood response pumps. This engine is rated at 99 hp (73.8 kw) and 4.2 gal/hr.		

*Permit issued, but permit includes no applicable requirements

¹APEN exempt as long as actual, uncontrolled emissions are below the APEN de minimis level (1 tpy of NOX or VOC, 2 tpy of other criteria pollutants).

SOURCE COMPLIANCE HISTORY

1. A 2000 stack test identified the source failed to operate the raw material dryer in compliance with the PM limit in the Operating Permit. Resolved with the issuance of a Compliance Advisory and an Order on Consent dated 10/02/00, civil penalty of \$1,400.00 and a SEP of \$8,400.00 to install video camera for control room staff to monitor plant conditions.



2. Violations identified during 2001 inspection include: failure to properly calculate and report emissions from a gasoline storage tank, failure to conduct Method 9 opacity observation as required, Failure to notify the Division of excessive opacity from an upset as required, and failure to submit annual compliance certifications which include statements of violations of conditions 1.3, 1.4, 3.2, 3.5, 3.5.7, 11.3, 11.6, 13.2, and 13.5. Resolved with a Compliance Order on Consent dated 07/25/02, SEP \$6,000.00.

3. Several violations were identified during 2003 inspections which were resolved with a Compliance Order on Consent dated 02/20/04, a civil penalty of \$37,460.00, pay at least \$149,840.00 towards a Supplemental Environmental Project, and pay \$94,839.00 for the economic benefit associated with not operating the control equipment required to control emissions from the A-Frame building.

4. Seven violations were identified during 2004 inspections and were resolved with a commitment to immediately implement procedures to control fugitive emissions, and install a new conditioning spray tower before the fall of 2005.

5. Numerous violations were identified during several 2005 and 2006 inspections and were addressed in Notice of Violations dated 9/23/05 and 6/8/06. Additional issues in 2006 were addressed in letters issued for Denial of Upset Reports dated 5/1/06 and 7/31/06 and a request for revision of Startup, Shutdown, and Malfunction Plan. All of these violations were resolved with a Compliance Order on Consent signed 12/22/06 and a penalty of \$1,500,000.00 to be paid as follows: \$300,000.00 cash penalty, \$50,000.00 non-compliance cash penalty, \$200,000.00 to operate a PM monitor for at least one year, \$450,000.00 donated to nonprofit organization for environmental projects, at least \$500,000.00 towards an Supplemental Environmental Project, and a moratorium on using tire-derived-fuels until at least January 1, 2008.

6. Violations identified in 2007 and 2008 inspections have been addressed in a Notice of Violation dated June 17, 2008. The case was resolved with a Compliance Order on Consent signed 2/11/09 with a total penalty assessed of \$528,325. Cemex agreed to pay a sum of \$105,665 in administrative penalties and perform Supplemental Environmental Projects (SEPs) totaling \$422,660. The SEPs included \$300,000 donated to the Boulder County Plug-In Hybrid and Vehicle to Grid Implementation Project and \$122,660 donated to the Governor's Energy Office (GEO) earmarked for energy efficiency and renewable energy projects for Lyons public schools.

7. A Warning Letter was issued for the 2011 inspection related to a stack test conducted on April 21, 2011 where Cemex exceeded the grain loading limit for Baghouse 625-14 (P009) found in the table in Condition 11.3. The test results indicated an emission rate of 0.038 gr/dscf in excess of the 0.03 gr/dscf limit found in the table. The baghouse was retested on May 25, 2011 indicating 0.01 gr/dscf emission rate and demonstrated compliance with the grain loading requirements.

8. Cemex was issued a Compliance Advisory (CA) dated August 23, 2013 for Case No. 2013-121. Compliance testing on April 17, 2013 on the Raw Materials Dryer (AIRS 002) demonstrated an emission rate of filterable PM of 22.8 lb/hr and 79.9 tpy, violating the limits of 6.5 lb/hr (Permit 12BO444-1, Condition 3) and 22.8 tpy (Permit 95OPBO082, Condition 5.4). Following the failed test on April 17, 2013, three bags were replaced in the baghouse controlling emissions from AIRS 002 and compliance testing was conducted again on May 24, 2013. The results of the May 24, 2013 tests were

below permitted emission limits for PM. A Compliance Order on Consent was signed April 15, 2014 and an administrative penalty of \$8,400 was paid. Compliance Requirements include requiring Cemex to perform quarterly standard calibration procedures of the dryer dust collector broken bag detector and maintain records for at least two years.

9. The 2017 inspection found the source not in compliance with conditions 10.5 (opacity exceedances from the kiln related to malfunctions were recorded by the COMS), 23.5 (Calibration of thermocouples for the Kiln and Hart baghouses were performed seven days later than that the third month due date) and Air Pollutant Emission Notices (APENs) were not submitted within the five year period violating the provisions of General Permit Condition (5/22/12 version) 22(e) (Regulation No. 3, Part A, § II.C.2) of Operating Permit 95OPBO082. Enforcement discretion was recommended.

10. The 2018 inspection found the source not in compliance. The source failed to complete testing of NOX & SO2 from the materials dryer between 1/1/2017 and 8/30/2017 violating Permit Number 95OPBO082 condition 5.13.3; enforcement discretion was recommended. On 9/13/2017 a six-minute average opacity of 23 percent registered at the opacity monitor for the kiln stack. Baghouses were not operated and maintained in accordance with the requirements. On 3/15/2017 from 8am to 10am the source failed to operate a powered sweeper during day shift for 12 hours and on 1/7/2018 from 11:23am to 6pm, 1/8/2018 from 6:40am to 6pm & 1/9/2018 from 6am to 12pm the source failed to operate the plant based water truck 12 hours a day. On 7/21/2017 for approximately 49 minutes the source failed to start injecting carbon and lime at 300 degrees F on baghouse inlet temperature. The source failed to monitor opacity by conducting daily visible emissions observations of Raw Mill Dust Collector 325-1 on 11/21/2017, Raw Mill Auxiliary Dust Collector 325-2 on 11/21&22/2017, Finish Mill Dust Collector 725-2 on 11/22&24/2017 and 1/23/2018, Finish Mill Auxiliary Dust Collector 725-3 on 11/22&24/2017 and 1/23/2018, and Finish Mill Separator Dust Collectors 725- 10 & 725-11 on 11/22&24/2017. The source did not provide any operation, processing or emissions data for points 054 or 055. The source did not provide any operating, consumption or emission data for point 053. Additionally the source reported that there are no existing maintenance records on the A-Pit Pump Diesel fuel-fired engine or the Flood Engine Diesel fuel-fired engine (Emergency Engine) for 2017. Case # 2019-021 was initiated for the alleged violations, a CA was held 4/24/2019 and case # 2019-021 was resolved 9/11/2019 with a COC and \$35,000 penalty. The compliance requirements of the COC were to provide startup and shutdown records for the pump engines and flood response engine, provide records of the annual opacity tests required by 95OPBO082 Section II Condition 26.5.4.2, and provide records required by 95OPBO082 Section II Condition 26.6 for the flood response engine. The source provided startup and shutdown records for the pump engines and flood response engine, the source provided records of the annual opacity tests required by 95OPBO082 Section II Condition 26.5.4.2, and the source provided records required by 95OPBO082 Section II Condition 26.6 for the flood response engine.

11. A 2019 PCE found the source not in compliance because the source did not use good control practices, did not maintain baghouse. Case # 2019-158 was initiated for the alleged violations, a CA was issued to the source on 9/11/2019 and a CA meeting occurred 10/9/2019. Case # 2019-158 was resolved 1/8/2020 with an ESA and \$7,000 penalty.

12. The source performed the required D/F compliance test within the timeframe (31 calendar months) required per Subpart LLL, however, the minimum sample volume as required by Subpart LLL §63.1349(b)(3)(i) was not achieved during each test run of the Aug. 22, 2019 performance test and the

testing was rejected. Case # 2019-197 was initiated for the alleged violations and a CA meeting occurred 12/27/2019. Case # 2019-197 was resolved 2/27/2020 with an ESA and \$5,250 penalty.

13. The 2019 inspection found the source not in compliance. The source failed to conduct VOC testing for Point 002 as required from December 14, 2018 to June 5, 2019. The source failed to operate a powered sweeper for AIRS Point 015 during the day shift on April 7 & 8, 2019. The source failed to report the AIRS Point 002 THC CEMS in the Q2 2019 EER. The source failed to report AIRS Point 007 diluent CEMS downtime in EERs since mid-2015. The source failed to operate AIRS Point 007 in a manner consistent with safety and good air pollution control practices for minimizing emissions. The source failed to perform an O2/CO2 audit on the AIRS Point 007 CEMS during Q2 2019, therefore failed to accurately correct the AIRS Point 007 THC limit to 7 percent oxygen during Q2 2019, failed to use quality-assured data for AIRS Point 007 during Q2 2019 and failed to collect accurate data for AIRS Point 007 during Q2 2019. And the source failed to conduct a second opacity observation after operating the Dowe Flats 6” Pump engine for more than 250 hours during 2018. Case # 2020-036 was initiated for the alleged violations, a CA was held 3/27/2020 and case # 2020-036 was resolved 7/21/2020 with an ESA and a \$42,000 penalty.

NSPS/NESHAP/MACT APPLICABILITY

NSPS Applicability:

40 CFR part 60 Subpart OOO - Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants;

40 CFR part 60 Subpart F—Standards of Performance for Portland Cement Plants;

40 CFR part 60 Subpart A - General Provisions.

MACT Applicability:

40 CFR Part 63 Subpart LLL—National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry (If you have an affected source subject to this subpart with a different emissions limit or requirement for the same pollutant under another regulation in title 40 of this chapter, once you are in compliance with the most stringent emissions limit or requirement, you are not subject to the less stringent requirement. Until you are in compliance with the more stringent limit, the less stringent limit continues to apply. §63.1356)

40 CFR Part 63 Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines

Although not identified in the permit the inspector has determined the Gasoline Storage Tank is subject to 40 CFR Part 63 - Subpart CCCCC - National Emission Standards for Hazardous Air Pollutants for Gasoline-Dispensing Facilities

REPORTS

In the absence of credible evidence and without indications to the contrary, the reports described below were submitted in accordance with the provisions of the Record Keeping and Reporting Requirements/Certification Requirements of the General Permit Conditions.

Title V Semi Annual Monitoring Reports (SAR)

Period	Due	Received
7/1/2019 – 12/31/2019	2/1/2020	2/3/2020*



The source failed to report that a second 6-minute Method 9 was not performed on the Dowe Flats 8" Pump EGEN-DF-2 (John Deere, Model No. T0404045DF15084 HP 8" Pump Diesel) that was operated for more than 250 hours in 2019. Deviations were not reported promptly as described in the Prompt Deviation Reporting General Permit Condition. (Not In Compliance)

*2/1/2020 was a Saturday, the report was received the next business day. For the purposes of this inspection report this is considered to on time but deviations were not reported promptly.

2/3/2020 Report: Deviations reported

1.) Section II, Condition 22.15

Unit: P007

Start/stop: Oct. 22, 2019, 3:48 p.m.-4:22 p.m.

Noted as a malfunction

The Lyons Plant experienced a kiln process malfunction due to a thermal shock to the operations. Investigation showed that the Lyons Plant was transitioning kiln production to a different type of clinker (base-end product included in cement). When raw material feed (i.e., kiln feed) input chemistry changed, an unavoidable failure of the kiln-burning process occurred. An unexpected change in the kiln-feed chemistry caused a substantial thermal shock to the burning process, leading to an upset in normal operations - i.e., kiln push involving the flushing of the uncooked raw material feed through the kiln and into the clinker cooler. During the malfunction period, visible emissions that lasted approximately 34 minutes occurred from the kiln hood and clinker cooler areas. Stable kiln operations resumed after this malfunction period. Data from CEMS and COMS monitors did not indicate any exceedance in opacity and other parameters. Kiln operations were immediately adjusted by lowering cooler fan speeds to maintain negative system pressure and to reduce kiln feed input and kiln production. The Lyons operations teams also responded with housekeeping measures and deployment of sweeper and water trucks to areas affected. The chemical characteristics of the clinker are monitored closely and maintenance checks installed (i.e., measurement of kiln shell temps) to monitor the pyro process of the kiln. Routine inspections continue to be conducted as a part of the Lyons Plant O&M of the emissions control systems.

It should be noted this event occurred prior to the source's incorporation of a system pressure interlock (to automate shutdown of fuel and feed if positive pressures are registered) that was implemented following the previous inspection findings. The source reported that these events are not 100% avoidable and actions to minimize dusting from such events have been taken. They have installed interlocks and alarms on the inlet and outlet of the coal mill to monitor high/low temperatures and high/low pressures associated with changes in coal feed, installed interlocks and alarms on the Kiln Drive for low amperages, and installed process controls to automate and provide immediate reductions in kiln feed and fuel usage.

This is not considered to be a valid malfunction and is considered to be a violation of Section II, Condition 22.15.

2.) Section II, Condition 22.25

Unit: P007

Start/stop: Sept. 10, 2019-Oct.3, 2019

Noted during normal operation

The CEMEX Lyons Plant performed the required D/F compliance test within the timeframe (31 calendar months) required per Subpart LLL, however, the minimum sample volume as required by Subpart LLL §63.1349(b)(3)(i) was not achieved during the Aug. 22, 2019, Division-approved performance test. While the test was rejected by the Division, all samples achieved at least 89 percent capture of the minimum required volume and demonstrated analytical results non-detectable for D/F utilizing EPA Method 23 analysis. The oversight in achieving the minimum required sample volume per 40CFR63.1349(b)(3)(i) was due to a pre-test calculation error in isokinetic sampling where an incorrect barometric/atmospheric pressure, approximately equivalent to sea-level, was applied. Ultimately, this mistake resulted in a sample volume lower than the projected target - a minimum of 90 dscf. Upon discovery of the deviation, the Lyons Plant immediately notified the Division on Sept. 19, 2019.

This deviation was addressed with Case # 2019-197 and is not included in this report.

Title V Annual Compliance Certifications (ACC)

Period	Due	Received
1/1/2019 – 12/31/2019	2/1/2020	2/3/2020*

The source failed to report that a second 6-minute Method 9 was not performed on the Dowe Flats 8” Pump EGEN-DF-2 (John Deere, Model No. T0404045DF15084 HP 8" Pump Diesel) that was operated for more than 250 hours in 2019. Deviations were not reported promptly as described in the Prompt Deviation Reporting General Permit Condition. (Not In Compliance)

*2/1/2020 was a Saturday, the report was received the next business day. For the purposes of this inspection report this is considered to be on time but deviations were not reported promptly.

2/3/2020 Report: Deviations noted during the previous and current reporting periods. See above

MACT/NSPS Reports

Subpart	Period	Due	Received
NSPS Subpart OOO	7/1/2019 – 12/31/2019	2/1/2020	1/14/2020*

***Delivery receipt provided**



Report no increases in capacity.

MACT LLL reports submitted through Central Data Exchange

<u>Facility</u>	<u>Report</u>	<u>Certification Date</u>	<u>Comments</u>
CEMEX CONSTRUCTION MATERIALS SOUTH LLC	63.1354(b)(9) Summary Report	2020-02-29 10:56:17	40 CFR 63.1354(b)(9), Subpart Subpart LLL Summary Report, Kiln DF Temp Data, CMS Performance Summary, Kiln CPMS Exceedance Descriptions & Corrective Actions
CEMEX CONSTRUCTION MATERIALS SOUTH LLC	63.1354(b)(11)(i)(C) Relative Accuracy Test Audit Data and Performance Test Data	2019-11-26 08:00:41	Relative Accuracy Test Audit Report & Testing Data
CEMEX CONSTRUCTION MATERIALS SOUTH LLC	63.1354(b)(11)(i)(C) Relative Accuracy Test Audit Data and Performance Test Data	2019-10-16 19:06:31	Relative Accuracy Test Audit Report & Testing Data
CEMEX CONSTRUCTION MATERIALS SOUTH LLC	63.1354(b)(9) Summary Report	2019-08-30 08:04:14	40 CFR 63.1354(b)(9), Subpart Subpart LLL Summary Report, Kiln DF Temp Data, CMS Performance Summary, Kiln CPMS Exceedance Descriptions & Corrective Actions

Excess Emissions and Monitoring System Summary Reports (“EER”)



007 Rotary Kiln				
Year	Period	Due	Received	Notes
2019	3	11/1/2019	10/30/2019	No excess emissions reported. Excessive CO monitor downtime reported (8.769%; 99 hours down of 1129 operating hours)
2019	4	2/1/2020	1/27/2020	No excess emissions or excessive monitor downtime reported
2020	1	5/1/2020	5/1/2020	No excess emissions or excessive monitor downtime reported

008 Clinker Cooler				
Year	Period	Due	Received	Notes
2019	3	11/1/2019	10/30/2019	No excess emissions or excessive monitor downtime reported
2019	4	2/1/2020	1/27/2020	No excess emissions or excessive monitor downtime reported
2020	1	5/1/2020	5/1/2020	No excess emissions or excessive monitor downtime reported

002 Raw Material Dryer				
Year	Period	Due	Received	Notes
2020	1	5/1/2020	5/1/2020	No excess emissions reported. Excessive THC monitor downtime reported (8.579%; 134 hours down of 1562 operating hours)

APENS

APEN Received dates are in the table below.

AIRS ID	APEN Received
001	3/30/2018
002	3/30/2018
003	3/30/2018
004	3/30/2018
005	3/30/2018
006	3/30/2018
007	3/30/2018
008	3/30/2018
009	3/30/2018
010	7/1/2020
011	7/1/2020
013	7/1/2020
014	4/28/2017

015	3/30/2018
017	8/25/2016
019	3/30/2018
024	3/30/2018
025	7/1/2020
026	7/1/2020
027	3/30/2018
028	7/1/2020
031	7/1/2020
049	3/30/2018
050	4/28/2017
052	3/30/2018
053	8/1/2018
054	7/1/2020
055	7/1/2020

In the absence of credible evidence and without indications to the contrary, APENs were submitted in accordance with the provisions of the Record Keeping and Reporting Requirements of the General Permit Conditions.

MALFUNCTION REPORT REVIEW

1.) 10/22/2019 15:48 – 16:22 (007 Rotary Kiln)

Call 10/23/2019 11:27; Report 2/3/2020

On Oct. 22, 2019 visible emissions that lasted approximately 34 minutes occurred from the kiln hood and clinker cooler areas. The CEMEX Lyons plant experienced and unintended upset condition due to a thermal shock to the operations. Investigation showed that the Lyons Plant was transitioning kiln production to a different type of clinker (base-end product included in cement). When raw material feed (i.e., kiln feed) input chemistry changed, an unavoidable failure of the kiln-burning process occurred. An unexpected change in the kiln-feed chemistry caused a substantial thermal shock to the burning process, leading to an upset in normal operations - i.e., kiln push involving the flushing of the uncooked raw material feed through the kiln and into the clinker cooler. Data from CEMS and COMS monitors did not indicate any exceedance in opacity and other parameters. Kiln operations were immediately adjusted by lowering cooler fan speeds to maintain negative system pressure and to reduce kiln feed input and kiln production. . The Lyons operations teams also responded with housekeeping measures and deployment of sweeper and water trucks to areas affected. During the event, visible dusting was experienced from the kiln hood and the clinker cooler, lasting 34 minutes from 3:48 p.m.-4:22 p.m. The kiln has now resumed stable operations.

This is not considered to be a valid malfunction and is considered to be a violation of Section II, Condition 22.15. It should be noted this event occurred prior to the source’s incorporation of a system pressure interlock (to automate shutdown of fuel and feed if positive pressures are registered) that was implemented following the previous inspection findings. The source reported that these events are not 100% avoidable and actions to minimize dusting from such events have been taken. They have installed interlocks and alarms on the inlet and outlet of the coal mill to monitor high/low



temperatures and high/low pressures associated with changes in coal feed, installed interlocks and alarms on the Kiln Drive for low amperages, and installed process controls to automate and provide immediate reductions in kiln feed and fuel usage.

2.) 4/30/2020 07:10 – 07:48 (007 Rotary Kiln)

Call 5/1/2020 15:37; Report due 8/1/2020

On April 30, 2020, CEMEX experienced an unpredictable condition at the preheater coal mill when the system experienced a plug and the temperatures increased; and an odor was apparent in the area. The event was immediately responded to by cutting the feed to the coal mill while allowing the coal mill to continue running to allow it to grind itself empty. The opacity levels were less than 5 percent, and there was no wind during this period. All odor remained on property, and no complaints were received.

This is not considered to be a violation of any permit condition.

COMPLIANCE ASSISTANCE/SOURCE ACTIONS

Considerable assistance was provided to the source whenever possible including informing the source that a method 9 reading done 6/26/2020 on A-pit Pump (053) EGEN-LYO-1 (John Deere 90 HP A-pit Pump Model JD-APP01 Diesel) only included 5 minutes of readings and required 6 minutes. The reported the original observation data was recorded for the required 6-minute duration by the Method Certified Observer, but the 6th minute of data was not reproduced from field notebook to the Method 9 form. It was pointed out to the source that the Dowe Flats 8” Pump EGEN-DF-2 (John Deere, Model No. T0404045DF15084 HP 8" Pump Diesel) was operated for more than 250 hours in 2019 (590.9 hours) without a second opacity reading. The source was informed that records provided indicate the Flood Response Engine EGEN-LYO-3 (99 HP Flood Response Cummins Model No. 4BTAA3.3G7 Diesel) was not operated in calendar year 2019 but a method 9 was conducted 12/12/2019. The source reported the unit was operated to conduct a method 9 and the Lyons Plant Emissions Inventory was updated to reflect 0.5 hours in December 2019.

PERMIT CONDITIONS AND COMPLIANCE STATUS

95OPBO082

SECTION I - General Activities and Summary

1. Permitted Activities

- 1.1 This facility manufactures Portland cement. Limestone and other raw materials extracted from the Dowe Flats quarry are processed through a primary crusher at the Dowe Flats quarry. The crushed material is transported to the plant on a 2.0 mile belt conveyor system and discharged to a stockpile. The stockpiled material is placed on a belt by means of a front end loader to be processed through a primary crusher, the dryer, and a secondary crusher. The material from the secondary crusher is stored in raw material storage silos. These storage silos contain silica and iron ore and various quarried raw materials. Material from these storage silos is discharged to weigh belts for the formulation of a desired product. The weigh belts discharge to the raw mill. The raw mill mixes and crushes the blended materials and delivers the homogenized material to storage silos. The homogenized material from the storage silos is delivered to the calciner portion of the kiln. Pulverized coal from the coal mill is fired at the bottom of the flash calciner. The calcined

material from the calciner then enters the rotary kiln, which is located at a slight incline along its horizontal axis. The material travels towards the clinker discharge end where additional pulverized coal is fired for the clinkering process. The clinker is discharged from the kiln into the clinker cooler where it is cooled by air forced through the clinker bed by undergrate fans. A good percentage of this air is recovered for use as primary air in the kiln combustion process. The cooled clinker is then moved to internal storage in an A-Frame building, or outside storage stockpiles. The stored clinker is the raw material for the finish mill. In the finish mill the clinker is combined with gypsum, ground to a fine material and stored in product silos. The material in the product silos can be loaded for bulk transport, or sent to a packaging system. From an over-all perspective, the manufacturing process may be viewed as two segments -- clinker production and cement production. The clinker storage allows the two processes to operate at different production rates. During periods of low demand for cement, clinker is accumulated. If cement is in high demand, the clinker production can be supplemented by purchase of clinker from other sources. The overall result is the clinker production can operate at a rather steady rate, while the cement production can operate in response to the current or projected demands.

The facility is located near Lyons, 12 miles north of Boulder. The area in which the facility is located is classified as attainment/maintenance for particulate matter less than 10 microns (PM₁₀). Under that classification, all SIP-approved requirements for PM₁₀ will continue to apply in order to prevent backsliding under the provisions of Section 110(l) of the Federal Clean Air Act. This area is classified as nonattainment for ozone and is part of the 8-hr Ozone Control Area as defined in Colorado Regulation No. 7, Section II.A.1.

There are no affected states within 50 miles of the plant. Rocky Mountain National Park, Rawah Wilderness Area and Eagle's Nest Wilderness Area are Federal Class I designated areas within 100 kilometers of the plant.

- 1.2 Until such time as this permit expires or is modified or revoked, the permittee is allowed to discharge air pollutants from this facility in accordance with the requirements, limitations, and conditions of this permit.
- 1.3 This Operating Permit incorporates the applicable requirements contained in the underlying construction permits, and does not affect those applicable requirements, except as modified during review of the application or as modified subsequent to permit issuance using the modification procedures found in Regulation No. 3, Part C. These Part C procedures meet the applicable substantive New Source Review requirements of Part B. Any revisions made using the provisions of Regulation No. 3, Part C shall become new applicable requirements for purposes of this operating permit and shall survive reissuance. Any requirements that were designated in the Compliance Order on Consent (COC) signed February 19, 2004 (No. 2002-124) or the Consent Decree entered into the federal District Court for the District of Colorado, No. 09-cv-0019-MSK-MEH as applicable requirements have been incorporated into this operating permit and shall survive reissuance as applicable requirements. This permit incorporates the applicable requirements (except as noted in Section II) from the following Construction Permit(s): P-10,225, P-10,535, 12BO444(1-

2), P-10,298, P-10,284, P-10,266, P-10,292, 98BO0259, 10BO718, 93BO1414F, 94BO593, 98BO0292, 98BO0315 and 05BO0703.

- 1.4 All conditions in this permit are enforceable by the US Environmental Protection Agency, Colorado Air Pollution Control Division (hereinafter Division) and its agents, and citizens unless otherwise specified. **State-only enforceable conditions are:** Section IV - Conditions 3.g (last paragraph), 14 and 18. (as noted).
- 1.5 All information gathered pursuant to the requirements of this permit is subject to the Recordkeeping and Reporting requirements listed under Condition 22 of the General Conditions in Section IV of this permit. Either electronic or hard copy records are acceptable.

No compliance determination is necessary. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

2. Nonattainment Area New Source Review (NANSR) and Prevention of Significant Deterioration (PSD)

- 2.1 This facility is categorized as a NANSR major stationary source (Potential to Emit of VOC and $\text{NO}_x \geq 100$ tons/year). Future modifications at this facility resulting in a significant net emissions increase (see Regulation No. 3, Part D, Sections II.A.27 and 44) for VOC or NO_x or a modification which is major by itself (Potential to Emit ≥ 100 tons/year of either VOC or NO_x) may result in the application of the NANSR review requirements.
- 2.2 This source is categorized as a PSD major stationary source (Potential to Emit ≥ 100 tons/year) for PM, PM_{10} , SO_2 , NO_x and CO. Future modifications at this facility resulting in a significant net emissions increase (see Regulation No. 3, Part D, Sections II.A.27 and 44) or a modification that is major by itself (Potential to Emit ≥ 100 tons/yr) for any pollutant listed in Regulation No. 3, Part D, Section II.A.42 for which the area is in attainment or attainment/maintenance may result in the application of the PSD review requirements.
- 2.3 There are no other Operating Permits associated with this facility for purposes of determining applicability of NANSR and PSD review regulations.

No compliance determination is necessary. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

3. Accidental Release Program (112(r))

3.1 Based on the information provided by the applicant, this facility is not subject to the provisions of the Accidental Release Prevention Program (Section 112 (r) of the Clean Air Act).

No compliance determination is necessary. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

4. Summary of Emission Units

4.1 The emissions units regulated by this permit are the following:

Process (Permit Section)	Plant ID	AIRS ID	Description	Pollution Control Device	Construction Permit
Dowe Flats and Lyons Quarry – Fugitive Emission Sources (Section II.1)	P017	017	Blasting (combustion byproduct emissions)		Grandfathered
		025	(Particulate Emissions Only) Drilling , Blasting, Truck Loading/Unloading, Haul Roads (Dowe Flats), Scraper Activities, Grading, Bulldozing, Wind erosion of stockpiles and exposed areas	PM Emission Control Plan	93BO1414F
Dowe Flats Quarry – Point Source Emissions (Section II.2)	P017	026	S056 through S064 – Conveyor	Baghouse (8 total)	94BO593
		027	S055 - Primary Crusher (Quarry)	Baghouse	
General Fugitive Emissions Requirements	P018	028	Process Fugitives (Lyons Cement Plant) Not Subject to Emission Limitations Includes wind erosion of stock piles and various transfers not vented through a stack (e.g. belt and screw conveyor transfers)		Grandfathered

Process (Permit Section)	Plant ID	AIRS ID	Description	Pollution Control Device	Construction Permit
(Section II.14)		019	Haul Roads (Lyons Cement Plant/Quarry and Dowe Flats Quarry) Not Subject to Emission Limitations Hauling of purchased limestone, iron, gypsum and silica and operation of water application system		Grandfathered
Raw Material Storage and Handling at Plant Site (Section II.3)	P000	024	Discharge of Primary-Crushed Material onto Open Stockpile S009 - Front End Loader Activity	PM Emission Control Plan	98BO0292
Primary Crusher (Plant) (Section II.4)	P001	001	S002 - Primary Crushing (Plant)	Baghouses	P-10,225* P-10,535*
			S004 - Surge Silo		
Raw Materials Drying (Section II.5)	P002	002	S005 - Raw Materials Dryer	Baghouse	12BO444-1
Secondary Crushing (Section II.6)	P003	003	Secondary Crushing and Screening (vents to S001 – Waste Dust Silo)	Baghouse (2 total)	Grandfathered P-10,298*
			S003 - #4 Belt Transfer		
Raw Material Storage Silos (Section II.7)	P004	004	S006 to S008 - Raw Material Storage Silos	Baghouse (3 total)	P-10,284*
Raw Material Grinding (Section II.8)	P005	005	S012 - Raw Mill Feeders	Baghouse (4 total)	Grandfathered Grandfathered
			S013 - Iron/Silica Silo		
			S010 - Raw Material Grinding		
			S011 –Raw Mill Auxiliary Dust Collector		
Homogenizing & Blending (Section II.9)	P006	006	S014 - Homogenizing Silo	Baghouse (2 total)	Grandfathered Grandfathered
			S015 - Kiln Feed Silo		

Process (Permit Section)	Plant ID	AIRS ID	Description	Pollution Control Device	Construction Permit
Kiln Burning (Section II.10)	P007	007	S016 - Precalciner Kiln	Baghouses (3) – Main, Hart and Alkali Bypass Selective Non-Catalytic Reduction (SNCR) System Activated Carbon and Lime Injection Systems	12BO444-2
Clinker Cooling and Transfer to Storage for Finish Mill (Section II.10)	P008	008	S017 – Clinker Drag Chains (1 baghouse)	Baghouse (5 total)	12BO444-2
			S018 - Clinker Cooler (2 baghouses, 1 stack)		
			S023 – 529-25 Drag Conveyor (1 baghouse)		
			S024B – Outside Clinker Drop Hood (1 baghouse, vented to S018 stack through 525-8/9)		
Clinker and Gypsum/Additive Silos and Weigh Feeders (Storage and Transfer to Finish Mill) (Section II.11)	P009	009	S021 – Top of A Frame (Belt 529-30 to 529-63) ¹	Baghouse (14 total)	98BO0259
			S026, S027, S029, S030, S031 – Weigh Feeders 1, 2, 4, 5 and 6 ¹		
			S024 - #2 Clinker Silo		
			S032 – Bottom of A Frame Transfer ¹		
			S033 Gypsum/Limestone from 529-31 belt to Silos		
			S035 – Discharge of 629-3 Belt		
			S039 to S041 –Finish Mill Weigh Feeders ²		
			S038 - Surge Bin ²		
			¹ stacks vent inside A-Frame		
			² stacks vent inside mill building.		

Process (Permit Section)	Plant ID	AIRS ID	Description	Pollution Control Device	Construction Permit
Sheltered (A-Frame) Clinker Storage and Reclaim (Section II.11)	P010	010	S034 - #6 Reclaim Feeder and A-Frame Building	Baghouse	98BO0259
			S051 – Top of A Frame – Transfer from 529-29 belt to 529-30 belt		
Outdoor Clinker Piles and Handling (Section II.11)	P015	015	Outdoor Hot Clinker Pile	PM Emission Control Plan	98BO0259
Cement Finish Mill and Auxiliaries (Section II.11)	P011	011	S036 - Finish Mill	Baghouse (2 total)	98BO0259
			S037 – Finish Mill Auxiliary Dust Collector		
			Grinding and Limestone Handling		
P012	031	S065 – Finish Mill Separator	Baghouses (2 total)	98BO0259	
		S069 - Clinker Dust to Finish Mill (SEP project) – vents inside mill room	Baghouse		
Cement Silos/ Packhouse/ Loadout (Section II.11)	P013	013	S043 – Cement Storage Silos A10 and A13 S044 – Cement Storage Silo A7 S045 – Cement Finish Silo A2 S046 – Packhouses West and East (Loading Spouts, Baghouses 825-4 and 825-5 vent to a common stack) S048 – Recirculating System	Baghouse (8 Total)	98BO0259
Material Handling System – Load-In & Load-Out (Section II.12)	P014	014	S020 - Coal Silo/Elevator	Baghouse	C-10,316*, 10BO718*
			S019 – Material Unloading Hopper (Railcar)		
			S025 – Material Unloading Hopper and Spout (Trucks) Outdoor Coal Storage		
Cold Cleaner Solvent Vats (Section II.18)		APEN Exempt ₁	Cold Cleaner Solvent Vats	Work Practice Requirements	Permit Exempt



Process (Permit Section)	Plant ID	AIRS ID	Description		Pollution Control Device	Construction Permit
Handling and Processing of CKD and Raw Material Waste Dust (Section II.13)	P007A	049	Pneumatic Conveyance of Materials	S066 Cement Silo A5 S067 - CKD Loading Spout (vents indoors) S001 - Waste Dust Silo S022 - Kiln Return Dust Silo	Baghouses	98BO0315
			041 - Pug Mill Mixing, Pelletization and Truck Loading of CKD and Beneficiation Dust	041 - Pug Mill/Truck Loading	Baghouses	
			042 - Haulage and Disposal of Pelletized CKD and Beneficiation Dust	042 - Truck Hauling and Disposal at Lyons Quarry	PM Emission Control Measures	
Gasoline Storage Tank (Section II.15)		APEN Exempt ₁	Gasoline Storage Tank (3,000 gallons, aboveground)		Submerged Filling and Vapor Recovery	Permit Exempt
Cement Rail Car Unloading System (Section II.25)	P050	050	Cement Rail Car Unloading and Handling System – Hopper, screw conveyor and pneumatic transfer system		Baghouse BH-825-8	05BO0703
Kiln Control Device Support Equipment (Section II.26)	LIS-1	055	BCSA Inc, Silotop R03, Lime Storage Silo, S/N unknown.		Baghouse	
	LIS-2	054	BCSA Inc, Silotop R03, Lime Weigh Hopper, S/N unknown		Baghouse	
Stationary Internal Combustion Engines (Section II.27)	A-Pit Pump	053	John Deere, Model No. 4.5L, diesel fuel-fired engine driving a water pump. This engine is rated at 90 hp and 4.7 gal/hr			

Process (Permit Section)	Plant ID	AIRS ID	Description	Pollution Control Device	Construction Permit
	Dowe Flats 6" Pump	APEN Exempt ¹	John Deere, Model No. T0404045DF150, S/N unknown, diesel fuel-fired engine driving a water pump. This engine is rated at 80 hp and 0.6 MMBtu/hr (4.2 gal/hr).		
	Dowe Flats 8" Pump	APEN Exempt ¹	John Deere, Model No. T0404045DF150, S/N T04045T532755, diesel fuel-fired engine driving a water pump. This engine is rated at 84 hp and 0.6 MMBtu/hr (4.4 gal/hr).		
	Kiln Donkey Engine	APEN Exempt ¹	Natural gas-fired engine used to provide kiln rotation during power failure. No make, model or serial no. available for this engine. This engine is rated at ~ 230 hp.		
	Flood Response Engine	APEN Exempt ¹	Cummins Model No. 4BTAA3.3G7, S/N 75021552, diesel fuel-fired engine providing emergency power to flood response pumps. This engine is rated at 99 hp (73.8 kw) and 4.2 gal/hr.		

*Permit issued, but permit includes no applicable requirements

¹APEN exempt as long as actual, uncontrolled emissions are below the APEN de minimis level (1 tpy of NOX or VOC, 2 tpy of other criteria pollutants).

No compliance determination is necessary. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

5. Alternate Operating Scenarios

5.1 The renewal permit (issued March 1, 2017) specifies that the dryer (addressed in Section II, Condition 5) will comply with the total organic HAP requirements in 40 CFR Part 63 Subpart LLL (Section II, Condition 22). As an alternative operating scenario, the dryer may comply with the THC requirements in 40 CFR Part 63 Subpart LLL (Section II, Condition 22) under the following provisions:

5.1.1 With the submittal of the performance test notification (required by Condition 5.1.2), the permittee shall submit a notification to the Division of the intent to change from the total organic HAP to THC compliance option for the dryer.

The notification shall describe changes to operations, such as installation of controls or changes to the raw material source or quarry location that will ensure the dryer can comply with the THC limit.

- 5.1.2 The performance test notification (required by §§ 63.7(b) and 63.9(e)) and the site-specific test plan shall be submitted to the Division 60 days prior to conducting the initial performance test for THC.
 - 5.1.3 No later than 60 days after completion of the initial THC performance test, the permittee shall submit the results of the performance test along with the notification of compliance status. The performance test results shall include the information specified in § 63.7(g) and the notification of compliance status shall include the information specified in § 60.9(h).
 - 5.1.4 The permittee shall continue to conduct performance tests to assess compliance with the dryer annual VOC emission limit (in tons/yr) in Section II, Condition 5.7 every thirty months as required by Section II, Condition 5.7.1.
- 5.2 If the permittee exercises the alternative operating scenario in Condition 5.1, they may at any time thereafter revert to the total organic HAP compliance option for the dryer, provided that the requirements in Conditions 5.1.1 through 5.1.4 are met, except that the submittal in Condition 5.1.1 shall note the intent to change from the THC to total organic HAP compliance option.
- 5.3 The renewal permit (issued March 1, 2017) specifies that the kiln (addressed in Section II, Condition 10) will comply with the THC requirements in 40 CFR Part 63 Subpart LLL (Section II, Condition 22). As an alternative operating scenario, the kiln may comply with the total organic HAP requirements in 40 CFR Part 63 Subpart LLL (Section II, Condition 22) under the following provisions:
- 5.3.1 With the submittal of the performance test notification (required by Condition 5.3.2), the permittee shall submit a notification to the Division of the intent to change from the THC to total organic HAP compliance option for the kiln.
 - 5.3.2 The performance test notification (required by §§ 63.7(b) and 63.9(e)) and the site-specific test plan shall be submitted to the Division 60 days prior to conducting the initial performance test for total organic HAPs.
 - 5.3.3 No later than 60 days after completion of the initial total organic HAP performance test, the permittee shall submit the results of the performance test along with the notification of compliance status. The performance test results shall include the information specified in § 63.7(g) and the notification of compliance status shall include the information specified in § 60.9(h).
 - 5.3.4 The permittee shall continue to performance tests annually to assess compliance with the kiln annual VOC emission limit (in tons/yr) in Section II, Condition 10.14 annually as required by Section II, Condition 10.14.1.

- 5.4 If the permittee exercises the alternative operating scenario in Condition 5.3, they may at any time revert to the THC compliance option for the kiln, provided that the requirements in Conditions 5.3.1 through 5.3.4 are met, except that the submittal in Condition 5.3.1 shall note the intent to change from the total organic HAP to THC compliance option.
- 5.5 The facility must, contemporaneously with making a change from one operating scenario to another, maintain records at the facility of the scenario under which it is operating (Colorado Regulation No. 3, Part A, Section IV.A.1). Either electronic or hard copy records are acceptable.

On the dryer the source complies with the total organic HAP requirements in 40 CFR Part 63 Subpart LLL with THC CEMS and has not exercised the alternative operating scenario on the dryer to comply with the THC requirements in 40 CFR Part 63 Subpart LLL with a submittal of the performance test notification to the Division with the intent to change from the total organic HAP to THC compliance option for the dryer. On the kiln the source complies with the THC requirements in 40 CFR Part 63 Subpart LLL with THC CEMS and has not exercised the alternative operating scenario on the kiln to comply with the THC requirements in 40 CFR Part 63 Subpart LLL with a submittal of the performance test notification to the Division with the intent to change from the THC to total organic HAP compliance option for the kiln. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

6. Compliance Assurance Monitoring (CAM)

- 6.1 The following emission points at this facility use a control device to achieve compliance with an emission limitation or standard to which they are subject and have pre-control emissions that exceed or are equivalent to the major source threshold. They are therefore subject to the provisions of the CAM program as set forth in 40 CFR Part 64, as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV:

S001 – Waste Dust Silo; S005 – Raw Materials Dryer; S010 – Raw Material Grinding, S011 – Raw Mill Auxiliary Dust Collector, S012 – Raw Mill Feeders, S016 – Precalciner Kiln; S022 – Kiln Return Dust Silo; S024 - #2 Clinker Silo; S034- #6 Reclaim Feeder; S036 – Finish Mill; S037 – Finish Mill Auxillary Dust Collector; S043 – Cement Storage Silos A10 and A13; S044 – Cement Storage Silo A7; S045 – Cement Finish Silo A2; S046 – Packhouse West (loading spout); S046 - Packhouse East (loading Spout) - S051 – Top of A Frame Transfer; and S066 – Cement Silo A5

CAM requirements are set forth in Section II, Condition 23 of this permit.

The source is subject to the provisions of the CAM program as set forth in 40 CFR Part 64, as

adopted by reference in Colorado Regulation No. 3, Part C, Section XIV. CAM requirements are set forth in Section II, Condition 23.

In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with all General Activities and Summary.

SECTION II - Specific Permit Terms

1. P017- Dowe Flats and Lyons Quarry - Fugitive Dust Sources

AIRS pt 017: Blasting (combustion by-product emissions)

AIRs pt 025: Fugitive PM emissions from quarry activities

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Process Rate	1.1	3,500,000 tons/year 25,000 tons/day		Recordkeeping	Monthly
ANFO	1.2	1,182 tons/year		Recordkeeping	Monthly
PM	1.3	Dowe Flats Quarry Operations - 134.2 tons/ year	See Condition 1.3	Recordkeeping and Calculation	Monthly
PM ₁₀		Dowe Flats Quarry Operations - 58.4 tons/year 916 lbs/day			
PM	1.4	Disturbed Areas @ Lyons Quarry - 19.0 tons/year	63.3 lb/acre-mo	Recordkeeping and Calculation	Monthly
PM ₁₀		Disturbed Areas @ Lyons Quarry - 9.4 tons/year	31.7 lb/acre-mo		
NO _x	1.5	10.0 tons/year	17 lb/ton ANFO	Recordkeeping and Calculation	Monthly
CO		39.6 tons/year	67 lb/ton ANFO		
Fugitive Emission Control Plan	1.6			Inspection	Weekly



Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Restrictions on Lyons Quarry	1.7	Lyons - Mining Prohibited		Certification	Annually
Hauling Restrictions	1.8	Number of haul trips shall be limited to 230 per day		Recordkeeping	Daily
Days of Operation	1.9			Recordkeeping	Monthly
Quarry Parameters for Emission Calculations	1.10			Recordkeeping	Monthly

Compliance Status:

P017- Dowe Flats and Lyons Quarry - Fugitive Dust Sources

AIRS pt 017: Blasting (combustion by-product emissions)

AIRs pt 025: Fugitive PM emissions from quarry activities

Period Ending 4/30/2020			
Parameter		Limitations	Reported Data
Dowe Flats Quarry	Process Rates	3,500,000 ton/yr	468,616 tons/yr
		25,000 ton/day	2,223 tons/day
	PM	134.2 ton/yr	31.18 tons/yr
	PM ₁₀	58.4 ton/yr	12.41 tons/yr
Lyons Quarry	PM	19 ton/yr	17.10 ton/yr
	PM ₁₀	9.4 ton/yr	8.55 ton/yr
ANFO	Consumption	1,182 tons/yr	84.01 ton/yr
	NOx	10.0 tons/yr	0.24 ton/yr
	CO	39.6 tons/yr	0.93 ton/yr

The source reported the data above. The Lyons Quarry has been inactive for many years; however, particulate emissions from ongoing reclamation activities have been calculated.

- 1.1 Total material (includes: topsoil, overburden, limestone, and waste rock) handled shall not exceed the limitations listed in the above summary table (Construction Permit 93BO1414F, as modified under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part B, Section IIA.6 and Part C, Section X, to increase the throughput as indicated on the APEN submitted on July 24, 2015 and redlined on August 10, 2015). The quantity of total material handled shall be monitored and recorded monthly. Any information used to determine the monthly quantities of material handled shall be maintained and made



available to the Division upon request. Monthly quantities of materials handled shall be used in a twelve month rolling total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months data.

Compliance with the daily limits shall be monitored by dividing the monthly handling rates by the number of days of operation for that month.

Cemex is tracking material handling on a daily basis and compiling monthly and 12-month totals as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.2 The quantity of ANFO used in blasting shall not exceed the limits listed in the summary table above (Construction Permit 93BO1414F, as modified under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part B, Section II.A.6 and Part C, Section X to include ANFO limits based on requested emissions included on APEN submitted on August 25, 2016). The quantity of ANFO used shall be monitored and recorded monthly. Any information used to determine the monthly quantities of ANFO used shall be maintained and made available to the Division upon request. Monthly quantities of ANFO used shall be used in a twelve month rolling total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months data.

The source tracks ANFO usage on a monthly and 12-month rolling total basis as required. The reported rolling 12 month total usage is in the table above. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.3 PM and PM₁₀ emissions **from the Dowe Flats Quarry** shall not exceed the limits listed in the summary table above (Construction Permit 93BO1414F). Compliance with the annual limits shall be monitored by calculating emissions from each activity monthly using the emission factors in the table below. Monthly emissions from each activity will be summed together and used in a rolling twelve month total to monitor compliance with the annual emission limitations. Each month a new twelve month total shall be calculated using the previous twelve months data.

Compliance with the daily emission limits shall be monitored by dividing the monthly emissions by the number of days of operation for that month.

Note that PM_{2.5} emissions are not subject to permit limitations. Therefore monthly emissions of PM_{2.5} shall be used to determine annual (calendar year) emissions for purposes of APEN reporting.

Activity	Uncontrolled Emission Factors				Control Efficiency
	PM	PM ₁₀	PM _{2.5}	Units	
Drilling	1.6 x 10 ⁻⁴	8.0 x 10 ⁻⁵	3.2 x 10 ⁻⁵	lb/ton	90%
Blasting – Limestone	3.582	1.862	0.107	lb/blast	
Blasting – Waste Rock/OB	5.005	2.602	0.150	lb/blast	
Truck Loading – Limestone Rock	0.0019	8.98 x 10 ⁻⁴	1.36 x 10 ⁻⁴	lb/ton	
Truck Unloading – Limestone Rock	0.0019	8.98 x 10 ⁻⁴	1.36 x 10 ⁻⁴	lb/ton	
Rock Hauling – Loaded Trucks	23.632	6.671	0.667	lb/VMT	80%
Rock Hauling – Empty Trucks	15.798	4.459	0.446	lb/VMT	80%
Top Soil Removal	0.058	0.029	0.0116	lb/ton	50%
Scraper – Top Soil Loaded	16.826	4.750	0.475	lb/VMT	80%
Scraper - Empty	13.367	3.773	0.377	lb/VMT	80%
Unloading of Topsoil	0.04	0.02	0.008	lb/ton	50%
Grading of Haul Roads	3.527	1.102	0.109	lb/VMT	80%
Bulldozing	9.782	2.066	1.027	lb/hr	
Water Truck	14.508	4.095	0.410	lb/VMT	80%
Disturbed Areas – Wind Erosion	760	380	152	lb/acre-yr	50%

VMT = vehicle miles traveled.

The source of the emission factors and assumptions used to determine the emission factors are included in Appendix H of the permit. If the underlying assumptions change (e.g. truck weight) and result in a more conservative (i.e. higher) emission factor, the source shall use the higher factor and document the reason for the change in the assumption and subsequently the change in the emission factor.

The control efficiencies noted in the above table may be applied to the emission calculations for the specified activity provided that the following requirements are met:

- 1.3.1 A control efficiency of 90% can be applied to the drilling emission calculations to take credit for the bag collectors required by Condition 1.6.1.8, provided that the drill bag collectors are operated and maintained in accordance with manufacturer's recommendations and good engineering practices. A copy of operating and maintenance procedures, schedules for maintenance and/or inspection and records related to operation and maintenance of the drills and bag collectors and good engineering practices such as records of routine

maintenance and/or inspection shall be made available to the Division upon request.

- 1.3.2 A control efficiency of 50% can be applied to topsoil removal and unloading emission calculations for watering and adequate moisture provided the requirements in Conditions 1.6.1.1 and 1.6.1.3 are met.
- 1.3.3 A control efficiency of 80% can be applied to the emission calculations for activities related to the haul roads (hauling, grading, scraping and watering) provided the haul roads are watered and chemical stabilizers are applied as required by Condition 1.6.1.7.
- 1.3.4 A control efficiency of 50% can be applied to the emission calculations for wind erosion from disturbed areas because the quarry is located in a natural bowl depression which provides a wind break.

The source calculates PM and PM10 emissions from the Dowe Flats Quarry on a 12-month rolling total basis using the factors identified above. The reported rolling 12 month total emissions are in the table above. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.4 PM and PM₁₀ emissions **from disturbed areas at the Lyons Quarry** shall not exceed the limits listed in the summary table above (Construction Permit 93BO1414F). Compliance with the annual limits shall be monitored by calculating emissions monthly using the emission factors included in the above summary table (AP-42, Section 11.9 (dated 10/98), Table 11.9-4, wind erosion of exposed areas, converted to pounds and divided by 12) and the size of the exposed area, in the following equation:

$$\text{Tons/month} = \frac{\text{EF (lb/acre-mo)} \times \text{exposed area acreage (acres)}}{2000 \text{ lb/ton}}$$

Monthly emissions shall be used in a rolling twelve month total to monitor compliance with the annual emission limitations. Each month a new twelve month total shall be calculated using the previous twelve months data.

The permittee shall maintain documentation indicating how the size of the exposed area used in the above emission calculations was determined for each month.

The source calculates PM and PM10 emissions from disturbed areas at the Lyons Quarry on a 12-month rolling total basis using the factors identified above. The reported rolling 12 month total

emissions are in the table above. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.5 NO_x and CO emissions from blasting shall not exceed the limits listed in the summary table above. (Construction Permit 93BO1414F, as modified under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part B, Section II.A.6 and Part C, Section X to include NO_x and CO emission limits requested on APEN submitted on August 25, 2016) Compliance with the monthly limits shall be monitored by calculating emissions monthly using the emission factors in the summary table (AP-42, Section 13.3, dated 2/80 (reformatted 1/95), Table 13.3-1) and the monthly quantity of ANFO used (as required by Condition 1.2). Monthly emissions from each activity will be summed together and used in a rolling twelve month total to monitor compliance with the annual emission limitations. Each month a new twelve month total shall be calculated using the previous twelve months data.

The source calculates NOX and CO emissions from blasting on a 12-month rolling total basis using the factors identified above. The reported rolling 12 month total emissions are in the table above. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.6 The Dowe Flats Quarry activities are subject to the following fugitive particulate matter requirements.

- 1.6.1 Every owner or operator of a new source or activity that is subject to this Section III.D. and which is required to obtain an emission permit under Regulation No. 3 shall submit a fugitive particulate emission control plan meeting the requirements of this Section III.D. at such time as, and as part of, the required permit application. Such plan shall be approved or disapproved by the division in the course of acting to approve or disapprove the permit application and no emission permit shall be issued until a fugitive particulate emission control plan has been approved. (Colorado Regulation No. 1, III.D.1.b)

The following approved measures shall be used to control fugitive particulate matter emissions from the Dowe Flats Quarry (Construction Permit 93BO1414F).

A weekly inspection of the site shall be conducted to ensure the emission control measures are in place and effective. The permittee shall maintain records of the weekly inspections and results. In addition, at any time when a fugitive dust problem is observed, the permittee shall take action to correct the problem. The permittee shall maintain records of the date and time of any

fugitive dust problem observed, and the type and time of action taken to correct the problem. These records shall be maintained on site for inspection upon request.

The source performs weekly inspections of the control measures to ensure the emission control measures are in place and effective. The source maintains records of the weekly inspections and results as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

1.6.1.1 Adequate soil moisture must be maintained in topsoil and overburden to control emissions during removal.

No evidence of inadequate soil moisture to control emissions from topsoil and over burden was observed during the inspection. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

1.6.1.2 Topsoil and overburden stockpiles shall be reclaimed and revegetated in accordance with the Mined Land Reclamation Bureau (MLRB) permit conditions. Open acreage (mine pits and stockpiles) shall be minimized and in no circumstances shall they be in excess of MLRB or APCD permits, whichever is more restrictive. (Construction Permit 93BO1414F, Attachment A, as modified per Section 1, Condition 1.3 of this permit).

The source has stated that disturbed areas of topsoil and overburden at Dowe Flats are minimized and reclaimed areas are re-vegetated as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

1.6.1.3 Emissions from material handling (i.e. removal, loading, and hauling) shall be controlled by watering at all times, except during below-freezing temperatures, unless natural moisture is sufficient to control emissions. A water application system (such as a sprinkler system or water truck) shall be operated to wet muck piles prior to loading, hauling and crushing. (Construction Permit 93BO1414F, Attachment A, as modified per Section 1, Condition 1.3 of this permit)

No fugitive emissions from material handling were observed during the inspections. Cemex employs a sprinkler system to wet the active disposal area and a water truck to control dust from haul roads. Cemex employs crews of laborers for cleaning up accumulated piles of dust on and around equipment at the plant. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

1.6.1.4 Spillages and accumulations of particulate matter shall be cleaned up and shall be managed to insure they do not contribute to fugitive emissions during operation. (Construction Permit 93BO1414F, Attachment A, as modified per Section 1, Condition 1.3 of this permit)

1.6.1.5 Activities causing fugitive dust emissions shall be suspended when wind speeds reach or exceed 30 miles per hour, averaged over a 60-minute period. Only those activities affected by wind speed, and for which it is possible to “suspend operation” need be shut down (i.e., the permittee cannot “shut down” storage piles, thus this condition would not apply to storage piles). Activities may continue when the average wind speed drops below 30 m.p.h. (Construction Permit 93BO1414F, Attachment A, as modified per Section I, Condition 1.3 of this permit)

The permittee shall install, calibrate, and operate a wind speed instrument which will be used to alert personnel when average wind speeds reach or exceed 30 m.p.h. The permittee shall maintain records of those dates and times when wind speed reaches or exceeds 30 m.p.h, averaged over a sixty minute period.

Cemex is using a wind speed monitor mounted at the top of the primary crusher building to continuously record wind speeds, the control room operators evaluate the wind speed and suspend equipment operation when the wind exceeds 30 mph on a 1 hour average. The data acquisition system continuously monitors wind velocity and automatically notifies the control room operator when the wind speed exceeds 30 mph. The control room’s computer monitors have been modified to include a visual alarm to notify operators of high wind. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

1.6.1.6 Vehicle speed on unpaved roads and disturbed areas shall not exceed a maximum of 35 m.p.h. Speed limit signs shall be posted.

Speed limit signs are posted on unpaved roads as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

1.6.1.7 Unpaved haul roads shall be treated with chemical dust suppressants to maintain a surface crust, and watered, as often as needed to control fugitive particulate emissions.

Records of application of dust suppressants shall be maintained on site for inspection upon request.

Haul roads at the facility are compacted and no visible emissions issues were observed from vehicle traffic. Chemical dust suppressant is applied at the quarry and water trucks are used to control fugitive dust. Records were reviewed during inspections and appear to be sufficient to control fugitive emissions. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

1.6.1.8 Drills shall be equipped with bag collectors to control emissions.

Drilling rigs have been observed during previous inspections and were equipped with bag collectors. Source is considered to be in compliance with this condition. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

1.6.1.9 Sequential blasting shall be employed.

Sequential blasting techniques are being employed. Cemex has contracted blasting activities out to a separate company for blasts at the quarry. Blasting activities are still being videotaped by the source to provide further evidence of this requirement. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

1.6.1.10 Reclamation work and sequential extraction of material shall be initiated to keep the total disturbed areas at any one time to a minimum.

Reclamation following extraction is the operating procedure employed by Cemex. Cemex has employed extensive reclamation activities with native plants around the facility to revegetate disturbed areas. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.6.1.11 The permittee shall maintain a copy of the facility's Mining and Reclamation plan (as submitted and approved by the Colorado Department of Minerals and Geology - Mine, Land, and Reclamation Division) on site for Division inspection upon request. (Construction Permit 93BO1414F, Attachment A, as modified for clarification per Section 1, Condition 1.3 of this permit)

The Mining and Reclamation plans are available on-site for review. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.6.1.12 The permittee will postpone the loading of explosives if the wind speed is forecasted to be greater than 20 miles per hour at the time of the planned blast. (As provided for in Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate Compliance Order on Consent 2002-124, paragraph 38.b. The COC, at paragraph 46 requires this requirement to be in the permit.)

Cemex postpones the loading of explosives if the wind is forecasted to exceed 20 mph. Cemex also videotapes each quarry blast to document opacity and direction of plume travel. The source has a blasting record for each day a blast occurs with a forecast report indicating wind speed and direction printed from a local weather station. In addition, the control room operator's log also includes entries of Dowe Flats and raw material handling equipment downtime during high wind events that correspond to postponed blasts. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.6.1.13 The permittee will record the actual blast with a video camera, which is to be positioned such that the entire blast and emissions can be recorded on the camera. Each recorded blast shall capture the detonation and the tracking of the ensuing dust plume until the plume's opacity dissipates to less than 5% opacity. The video record will be kept on site and made available upon request. (As provided for in Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate Compliance Order on Consent 2002-124, paragraph 38.c. The COC, at paragraph 46 requires this requirement to be in the permit.)

Cemex is recording each blast with video and continues to record until the opacity is dissipated below 5%. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.6.2 If the division determines that a source of activity which is subject to this Section III.D. (whether new or existing) is operating with emissions in excess of 20% opacity and such source is subject to the 20% emission limitation guideline; or if it determines that the source or activity which is subject to this Section III.D. is operating with visible emissions that are being transported off the property on which the source is located and such source is subject to the no off property transport emission limitation guideline; or if it determines that any source or activity which is subject to this Section III.D. is operating with emissions that create a nuisance; it shall require the owner or operator of that source or activity to submit a written plan to the division for the control of fugitive particulate emissions within the time period specified in Section III.D. Provided, however, that in the case of a source or activity which already has a control plan, the division shall review said control plan and if it determines the plan does not meet the requirements of this Section III.D. it shall require the submission of a revised control plan. (Colorado Regulation No. 1, Section II.D.1.c)

The guidelines that apply to the activities at the Dowe Flats Quarry are as follows:

- 1.6.2.1 Storage and Handling of Materials – Both the 20% opacity and the no off-property transport emission limitation guidelines shall apply to storage and handling operations. (Colorado Regulation No. III.D.2.c.(iii))
- 1.6.2.2 Mining Activities, including mined land reclamations - Both the 20% opacity and the no off-property transport emission limitation guidelines shall apply to mining activities' except that with respect to sources or activities associated with mining for which there are separate requirements set forth in this regulation, the emission limitation guidelines there specified as applicable to such sources and activities shall apply. (Colorado Regulation No. 1, Section III.D.2.d.(iii))
- 1.6.2.3 Haul Roads - The no off-property transport emission limitation guideline shall apply to on-site haul roads (i.e., those located on and abutted by the property owned or under control of the owner or operator of the haul road) and the nuisance guideline shall apply to off-site haul roads (i.e., those abutted on both sides by property not owned or under the control of the owner or operator of the haul road). (Colorado Regulation No. 1, Section III.D.2.e.(iii))

- 1.6.2.4 Haul Trucks - The no off-property transport emission limitation guideline shall apply to haul trucks; except that when operating off the property of the owner or operator, the applicable guideline shall be no off-vehicle transport of visible emissions. (Colorado Regulation No. 1, Section III.D.2.f.(iii))
- 1.6.2.5 Blasting Activities - Only the no off-property transport emission limitation guideline shall apply to blasting activities. (Colorado Regulation No. 1, Section III.D.2.i.(iii))
- 1.6.2.6 As used herein, “nuisance” shall mean the emission of fugitive particulates that constitutes a private or public nuisance as defined in common law, the essence of which is that such emissions are unreasonable interfering with another person’s use and enjoyment of his property. Such interference must be “substantial” in its nature as measured by a standard that it would be of definite offensiveness, inconvenience, or annoyance to a normal person in the community. (Colorado Regulation No. 1, Section III.D.1.c)
- 1.6.2.7 The 20% opacity, no off-property transport, and nuisance emission limitation guidelines of this Section III.D. (as included in Conditions 1.6.2.1 through 1.6.2.5) are not enforceable standards and no person shall be cited for violation thereof pursuant to C.R.S. 1973, 25-7-115 as amended. (Colorado Regulation No. 1, Section III.D.1.e.(iii))

No visible emission issues in excess of 20% opacity and no off-property transport were noted during the inspection. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this condition. (In Compliance)

- 1.6.3 In the event that a revised control plan is requested under the provisions of Condition 1.6.2, the following apply:
 - 1.6.3.1 Sources required to submit control plans for revisions to the division shall do so within sixty days of the date such plan or revision is requested; provided, however, that the division, in its discretion, may where appropriate establish a different time period for submittal, taking into consideration such factors as the duration of the operation of the source or activity, the significance and nature of the emissions, and the relative complexity of the operation and applicable control methods. (Colorado Regulation No. 1, Section III.D.1.d.(ii))
 - 1.6.3.2 Each control plan shall include all available practical methods which are technologically feasible and economically reasonable and which reduce, prevent and control fugitive particulate emissions from the source or activity into the atmosphere. For those materials,

equipment, services or other resources (such as water for abatement and control purposes), which are likely to be scarce at any given time, an alternative control method must be included in the control plan. Any source required to submit a control plan may ask for a “control plan conference” with the division, and if so requested the division shall hold such a conference for the purpose of advising what types of control measures and/or operating procedures will meet the requirements of this section. (Colorado Regulation No. 1, Section III.D.1.d.(iii))

- 1.6.3.3 The division shall approve any plan submitted under this Section III.D. unless the division determines that the plan does not meet the requirements of Section III.D. If a control plan is not approvable in its entirety, the division shall approve those portions, which meet the requirements of this section and disapprove those portions, which fail to meet the requirements of this section. (Colorado Regulation No. 1, Section III.D.1.d.(iv))

No visible emissions issues and no off-property transport were noted during the inspection. A revised control plan has not been requested under the provisions of Condition 1.6.2. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this condition. (In Compliance)

- 1.6.4 It shall be a violation of this regulation (Colorado Regulation No. 1) and the division may take enforcement action pursuant to C.R.S. 1973, 25-7-115, as amended, if the owner or operator:
 - 1.6.4.1 Fails to submit a control plan (or revision of an existing plan) within sixty days (or other time period specified by the division) after being notified by the division that such submittal is required unless operation of such source is discontinued so as to permanently eliminate the cause of fugitive particulate emissions there from (Colorado Regulation No. 1, Section III.D.1.e.(i)); or
 - 1.6.4.2 Owns or operates a source or activity for which the division has disapproved a control plan or a revised control plan unless operation of such source is discontinued so as to permanently eliminate the cause of fugitive particulate emissions there from (Colorado Regulation No. 1, Section III.D.1.e.(ii)); or
 - 1.6.4.3 Fails to comply with the provisions of an approved control plan. (Colorado Regulation No. 1, Section III.D.1.e.(iii)) The provisions of the approved control plan for these sources are found in Condition 1.6.1.

No visible emissions issues and no off-property transport were noted during the inspection. A revised control plan has not been requested. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.7 There shall be no mining of limestone/raw materials or overburden materials at the Lyons Quarry. Reclamation activities and cement kiln dust disposal (as permitted under Section II, Condition 13 of this permit) are allowed in the Lyons Quarry. (Construction Permit 93BO1414F)

The Lyons Quarry is no longer being mined. However, CKD disposal and reclamation activities still persist at the site. Particulate emissions calculated for the Lyons Quarry are associated with these activities. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.8 The number of haul truck trips shall be limited to 230 trips per day. The daily number of haul truck trips shall be monitored and recorded daily in order to monitor compliance with the daily limitation. Logs, reports and/or other information used to record and/or determine the hours of daily number of haul trips shall be maintained and made available to the Division upon request.

The source monitors the daily number of haul truck trips. No exceedances were noted in the records provided. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.9 Days of operation for the Dowe Flats Quarry activities shall be monitored and recorded monthly. Days of operation shall be used to determine daily throughput and emissions as specified in Conditions 1.1 and 1.3

The source monitors the days of operation for the Dowe Flats Quarry activities. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 1.10 The following quarry parameter information shall be monitored and recorded monthly for use in the emission calculations required by Condition 1.3:

- 1.10.1 The number of blasts. Information recorded for the blasts each month shall indicate whether blasts are conducted on limestone or waste rock/overburden.
- 1.10.2 The number of hours the bulldozer is operated.
- 1.10.3 The number of vehicle miles traveled (VMT). VMT shall be determined for all vehicles used for hauling, scraping, grading and watering.

Logs, reports and/or other information used to record and/or determine the information in this Condition 1.10 shall be maintained and made available to the Division upon request.

The source maintains records of the number of blasts and whether blasts are conducted on limestone or waste rock/overburden, the number of hours the bulldozer is operated and the number of vehicle miles traveled for all vehicles used for hauling, scraping, grading and watering. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

2. P017- Dowe Flats Quarry – Point Source Emissions

AIRs pt 027: S055, Primary Crusher (Quarry)

AIRs pt 026: S056 – S064 - Belt Conveyor, Radial Stacker to Stockpiles

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Process Rate	2.1	1,050,000 tons/year		Recordkeeping	Monthly
NSPS OOO Requirements	2.2	PM – 0.05 gram per dry standard cubic meter Opacity – shall not exceed 7% (PM and opacity limits apply to each stack)		Performance Test Baghouse Operation and Maintenance Visible Emission Observation Method 9 Observation	Every Five (5) Years See Condition 2.2.5 Daily Semi-annually
PM	2.3	0.16 tons/year	Crusher: 0.020 lb/ton* Conveyor: 0.00124 lb/ton* (total for all transfer points)	Recordkeeping and Calculation Performance Test	Monthly Every Five (5) Years
PM ₁₀	2.3	0.07 tons/year	Crusher: 0.009 lb/ton* Conveyor: 0.00059 lb/ton* (total for all transfer points)	Baghouse Operation and Maintenance	See Condition 2.2.5
Opacity	2.4	Shall not exceed 20%, except as provided for below		Visible Emission Observation Method 9	Daily If Required (See Conditions 16.1.1.2 and 20.5.1)



Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
		Certain Operating Conditions - Shall not exceed 30%		Baghouse Operation and Maintenance	See Condition 2.2.5
Performance Testing	2.5			EPA Test Methods	Every Five (5) Years
NSPS General Provisions	2.6			See Condition 2.6	

*A control efficiency of 98.6% may be applied as provided for in Condition 2.3.

**Compliance Status: P017- Dowe Flats Quarry
S055 - S064, Primary Crusher, Belt Conveyor, Radial Stacker to Stockpiles**

Parameter	Limitations	Reported Data
Process Rate	1,050,000 tons/yr	298,103 tons
PM	0.16 ton/yr	0.04 tons
PM ₁₀	0.07 ton/yr	0.02 tons

Cemex provided the reported data above for the rolling 12-month period ending 4/30/2020.

- 2.1 Processing and conveying of raw materials at the crusher and conveyor system shall not exceed the limitation listed in the above summary table (Construction Permit 94BO593). The quantity of raw materials processed and conveyed shall be monitored and recorded monthly. Any information used to determine the monthly quantities of material processed shall be maintained and made available to the Division upon request. Monthly quantities of materials processed and conveyed shall be used in a twelve month rolling total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months data.

The source monitors processing and conveying of raw materials at the crusher and conveyor system on a rolling 12-month total basis. The reported process rate is in the table above. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 2.2 The crusher and the conveyor are subject to the provisions of 40 CFR Part 60, Subpart OOO, Standards of Performance for Non-Metallic Mineral Processing Plants, as adopted by reference in Colorado Regulation No. 6, Part A, as follows:



The requirements below reflect the current rule language as of the revisions to 40 CFR Part 60 Subpart OOO published in the Federal Register on April 28, 2009. However, if revisions to this Subpart are published at a later date, the owner or operator is subject to the requirements contained in the revised version of 40 CFR Part 60, Subpart OOO.

Applicability and Designation of Affected Facility (§ 60.670)

- 2.2.1 When an existing facility is replaced by a piece of equipment of equal or smaller size, as defined in §60.671, having the same function as the existing facility, and there is no increase in the amount of emissions, the new facility is exempt from the provisions of §§60.672, 60.674, and 60.675 except as provided for in 60.670(d)(3) (Condition 2.2.1.2). (60.670(d)(1))
- 2.2.1.1 An owner or operator complying with 60.670(d)(1) (Condition 2.2.1) shall submit the information required in §60.676(a) (Condition 2.2.4). (60.680(d)(2))
- 2.2.1.2 An owner or operator replacing all existing facilities in a production line with new facilities does not qualify for the exemption described in 60.670(d)(1) (Condition 2.2.1) and must comply with the provisions of §§60.672, 60.674 and 60.675. (60.670(d)(3))

Standards for Particulate Matter (§ 60.672)

- 2.2.2 The requirements in Table 2 of this subpart apply for affected facilities with capture systems used to capture and transport particulate matter to a control device. (60.672(a), excluding the first sentence since equipment has been operating for more than 180 days) The provisions in Table 2 that apply to these sources are as follows:
- 2.2.2.1 Particulate matter (PM) emissions shall not exceed 0.05 grams per dry standard cubic meter (0.022 grains per dry standard cubic feet).
- 2.2.2.2 Opacity emissions shall not exceed 7%.
- This opacity standard applies at all times except during periods of startup, shutdown and malfunction (§ 60.11(c)).
- 2.2.3 Truck dumping of nonmetallic minerals into any screening operation, feed hopper, or crusher is exempt from the requirements of this section. (60.672(d))

Reporting and Recordkeeping (§ 60.676)

- 2.2.4 Each owner or operator seeking to comply with §60.670(d) (Condition 2.2.1) shall submit to the Administrator the information in 60.676(a) about the existing facility being replaced and the replacement piece of equipment. (60.676(a))

Compliance with the emission limitations in Condition 2.2.2 shall be monitored as follows:

- 2.2.5 The baghouses shall be operated and maintained in accordance with the requirements in Condition 19.
- 2.2.6 Compliance with the particulate matter limits in Condition 2.2.2.1 shall be monitored by conducting performance tests in accordance with the requirements in Condition 2.5.
- 2.2.7 Compliance with the opacity requirement in Condition 2.2.2.2 shall be monitored as follows:
 - 2.2.7.1 Daily visible emission observations shall be conducted in accordance with the requirements in Condition 16.
 - 2.2.7.2 A six (6) minute EPA Method 9 opacity observation shall be conducted semi-annually for the primary crusher baghouse and one representative baghouse for the conveyor. Semi-annual opacity observations shall be separated by at least four (4) months.

A different conveyor baghouse shall be tested during each semi-annual Method 9 observation, unless Division approval has been received to test a baghouse that has already been tested. Once Method 9 observations required under this permit condition have been conducted on all conveyor baghouses, the permittee shall repeat the process of testing a different conveyor baghouse during each semi-annual test event.
 - 2.2.7.3 Subject to the provisions of C.R.S. 15-7-123 and in the absence of credible evidence to the contrary, exceedance of the limit shall be considered to exist from the time a Method 9 reading is taken that shows an exceedance of the opacity limit until a Method 9 reading is taken that shows the opacity is less than the opacity limit.
 - 2.2.7.4 All opacity observations shall be performed by an observer with current and valid Method 9 certification. Results of Method 9 readings and a copy of the certified Method 9 reader's certificate shall be kept on site and made available to the Division upon request.

Cemex conducted a stack test on 5/22&23/2018 on the primary crusher and a representative conveyor baghouse. The results of the test indicate compliance with the lb/ton PM emission factors in the table above and the grain loading limits in NSPS Subpart OOO (0.05 gr/dscm). Another stack test on the primary crusher and a representative conveyor baghouse will be required May 2023. Reference Method 9 readings were done simultaneously with the test runs and showed opacity of 0. Reference Method 9 readings are conducted semi-annually for as required. Nothing was discovered that indicates the source is not operating and maintaining and equipment and associated control equipment to the extent practicable using good air pollution control

practices for minimizing emissions during periods of startup, periods of shutdown, periods of malfunction, and periods of normal operations. It appears that no article, machine, equipment, or process was used to conceal an emission that would otherwise constitute a violation of an applicable standard. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this condition. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

2.3 PM and PM₁₀ emissions shall not exceed the limits listed in the above summary table (Construction Permit 94BO593, as modified under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part B, Section II.A.6 and Part C, Section X to correct PM emission limit in order to reflect emission factors and throughput limit). Compliance with the emission limitations shall be monitored as follows:

2.3.1 Monthly emissions shall be calculated by the end of the subsequent month using the emission factors in the above summary table (from 94BO593 construction permit analysis) in the following equation:

$$\text{Tons/mo} = \frac{\text{EF (lbs/ton)} \times \text{material conveyed or crushed (tons/mo)}}{2000 \text{ lbs/ton}}$$

Note that if the baghouses are operated and maintained in accordance with the requirements in Condition 19 a control efficiency of 98.6 % may be used in the above calculation for the enclosed conveyor baghouses and the crusher baghouse.

Monthly emissions from the crusher and conveyor shall be summed together and used in a rolling twelve month total to monitor compliance with the annual limitations. Each month a new twelve month rolling total shall be calculated using the previous twelve months' data. Records of emission calculations shall be maintained and made available to the Division upon request.

2.3.2 Performance tests shall be conducted in accordance with the requirements in Condition 2.5.

2.3.3 The baghouses shall be operated and maintained in accordance with the requirements in Condition 19.

Cemex is calculating emissions from material throughput on a monthly and 12-month rolling total basis as required. No exceedances of the permit limits were noted in the records provided. The baghouses are operated and maintained in accordance with the requirements in Condition 19. Cemex conducted a stack test on 5/22&23/2018 on the primary crusher and a representative conveyor baghouse. The results of the test indicate compliance with the lb/ton PM emission factors in the table above and the grain loading limits in NSPS Subpart OOO (0.05 gr/dscm). In the absence

of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 2.4 These sources are subject to the Colorado Regulation No. 1 opacity limits set forth in Condition 20 of this permit.

The baghouses are operated and maintained in accordance with the requirements in Condition 20. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 2.5 Performance tests shall be conducted every five (5) years to measure the emission rates of filterable PM and PM₁₀ emissions in order to monitor compliance with the emission limitations in Conditions 2.2.2.1 and 2.3. Performance tests shall be conducted in accordance with the appropriate EPA Test Methods and the requirements in § 60.675 (for the PM limits in Condition 2.2.2.1).

Performance tests shall be conducted on the primary crusher baghouse stack and one representative baghouse stack for the conveyor. A different conveyor baghouse shall be tested during each five year test event, unless Division approval has been received to test a baghouse that has already been tested. Once performance tests required under this permit condition have been conducted on all conveyor baghouses, the permittee shall repeat the process of testing a different conveyor baghouse during each five year test event.

Note that performance tests were conducted June 4 – 6 2013 on the primary crusher and a representative conveyor baghouse.

For purposes of assessing compliance with the annual emission limitations in Condition 2.3, the results of the tests shall be converted to a lb/hr basis and used in the following equations:

$$\text{PM} = \text{crusher test result (lb/hr)} \times 8,064 \text{ hrs/yr} + 8 \times \text{conveyor test result (lb/hr)} \times 8,064 \text{ hrs/yr}$$

$$\text{PM}_{10} = \text{crusher test result (lb/hr)} \times 8,064 \text{ hrs/yr} + 8 \times \text{conveyor test result (lb/hr)} \times 8,064 \text{ hrs/yr}$$

The throughput rate (tons/hr) of the equipment shall be recorded during the performance test and shall be used in conjunction with the test results to determine the emission factor (lb/ton), which will be compared to the emission factors specified in the permit. If the performance test shows that the PM and/or PM₁₀ emission rates/factors are greater than the relevant ones set forth in the permit, and in the absence of subsequent testing results to the



contrary (as approved by the Division), the permittee shall apply for a modification to this permit to reflect, at a minimum, the higher emission rate/factor within 60 days of the completion of the test.

Note that the emission factors listed in the permit represent uncontrolled emissions, thus the controlled emission factors for the above analysis are as follows: Crusher: PM = 2.8×10^{-4} lb/ton, PM₁₀ = 1.26×10^{-4} lb/ton, Conveyor (total for transfer points): PM = 1.74×10^{-5} lb/ton, PM₁₀ = 8.26×10^{-6} lb/ton. Note that the emission factor for the conveyor is for all eight baghouses, thus the emission rates/factors determined for the representative conveyor baghouse must be multiplied by 8 and then compared to the controlled emission rates/factors.

A stack testing protocol shall be submitted for Division approval at least thirty (30) calendar days prior. The test protocol, test, and test report must be in accordance with the requirements of the APCD Compliance Test Manual (<https://www.colorado.gov/pacific/cdphe/inspections-and-enforcement>). A stack testing protocol shall be submitted for Division approval at least forty-five (45) calendar days prior to any performance of the test required under this condition. No stack test required herein shall be performed without prior approval of the protocol by the Division. The Division reserves the right to witness the test. In order to facilitate the Division's ability to make plans to witness the test, notice of the date(s) for the stack test shall be submitted to the Division at least thirty (30) calendar days prior to the test. The Division may for good cause shown, waive this thirty (30) day notice requirement. In instances when a scheduling conflict is presented, the Division shall immediately contact the permittee in order to explore the possibility of making modifications to the stack test schedule. The compliance test results shall be submitted to the Division within forty-five (45) calendar days of the completion of the test unless a longer period is approved by the Division.

The source conducted a stack test on 5/22&23/2018 on points 026 & 027; within 5 years of the previous test. The protocol was submitted and the Division testing group observed and accepted the test. The results of the performance test shows that the PM and/or PM10 emission rates/factors are not greater than the relevant ones set forth in the permit; the source does not need apply for a modification to this permit. Another stack test will be required May 2023. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

2.6 These sources are subject to 40 CFR Part 60, Subpart A - General Provisions, as adopted by reference in Colorado Regulation No. 6, Part A. Specifically, these units are subject to the following requirements:

2.6.1 No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an

applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere. (§ 60.12)

- 2.6.2 At all times, including periods of startup, shutdown, and malfunction owners and operators shall to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. (§ 60.11(d))
- 2.6.3 Any owner or operator subject to the provisions of this part shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative. (§ 60.7(b))

Nothing was discovered that indicates the source is not operating and maintaining and equipment and associated control equipment to the extent practicable using good air pollution control practices for minimizing emissions during periods of start up, periods of shutdown, periods of malfunction, and periods of normal operations. It appears that no article, machine, equipment, or process was used to conceal an emission that would otherwise constitute a violation of an applicable standard. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this condition. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

3. P000 – Raw Material Storage and Handling at Plant Site

**AIRS pt 024: Discharge of Primary-Crushed Raw Materials onto Open Stockpile and S009
- Front End Loader Activity**

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Process Rate	3.1	Front End Loaders: 1,050,000 tons/year 4,170 tons/day* Iron Containing Material: 50,000 tons/year		Recordkeeping	Monthly
PM	3.2	15.5 tons/year	Front End Loader: 0.0282 lb PM/ton 0.0127 lb PM ₁₀ /ton	Recordkeeping and Calculation	Monthly
PM ₁₀		7.0 tons/year 53.00 lbs/day			
Days of Operation	3.3			Recordkeeping	Monthly
Opacity	3.4	Shall not exceed 20%, except as provided for below		Visible Emission Observation Method 9 Baghouse Operation and Maintenance	Daily If Required (See Conditions 16.1.1.2 and 20.5.1) See Condition 19
		Certain Operating Conditions - Shall not exceed 30%			
PM Emission Control Plan	3.5			Inspection	Weekly

*daily limit addresses all materials, including iron containing material.



Compliance Status: P000 - Raw Material Storage and Handling at Plant Site

AIRS pt 024: Discharge of Primary-Crushed Raw Materials onto Open Stockpile and S009 - Front End Loader Activity

Parameter	Limitations	Reported Data
Process Rate Front End Loader	1,050,000 tons/yr	519,102 tons
	4,170 tons/day	1,846 tons/day
Process Rate Iron Containing Material	50,000 tons/year	0
PM	15.5 tons/yr	7.32 tons
PM ₁₀	7.0 tons/yr	3.30 tons
	53 lbs/day	23.44 lbs/day

Cemex provided the reported data above for the rolling 12-month period ending 4/30/2020. Magnetite has replaced iron slag as the iron source for the kiln; therefore, no iron slag has been stored or handled

- 3.1 Process rates shall not exceed the rates listed in the above summary table (Construction Permit 98BO0292, as modified under the provisions of Section I, Condition 1.3 to reduce the daily throughput limit to a level where compliance with the daily PM₁₀ limit is ensured based on the PM₁₀ emission factor). The quantity of materials processed shall be monitored and recorded monthly. Any information used to determine the monthly quantities of materials processed shall be maintained and made available to the Division upon request. Monthly quantities of materials processed shall be used in a twelve month rolling total to monitor compliance with the annual limitations. Each month a new twelve month rolling total shall be calculated using the previous twelve months data.

Compliance with the daily throughput limit shall be monitored by dividing monthly quantity of materials handled by the number of days of operation for that month.

Records provided by Cemex indicate compliance with the process rates and emissions limits stated above. Cemex is maintaining daily, monthly and rolling 12-month total as required. No exceedances of the permit limits have been noted. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 3.2 PM and PM₁₀ emissions shall not exceed the limits listed in the above summary table (Construction Permit 98BO0292). Compliance with the emission limitations shall be monitored by calculating monthly emissions using the emission factors in the above summary table (from permit notes in Construction Permit 98BO0292, initial approval, modification 2, issued June 19, 2006) in the following equation:

$$\text{Tons/mo} = \frac{\text{EF (lbs/ton)} \times \text{material processed (tons/mo)}}{2000 \text{ lbs/ton}}$$

Monthly emissions shall be calculated by the end of the subsequent month. Monthly emissions shall be used in a rolling twelve month total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months' data. Records of emission calculations shall be maintained and made available to the Division upon request.

Compliance with the daily emission limit shall be monitored by dividing the monthly emissions by the number of days of operation for that month.

Cemex is maintaining and calculating daily, monthly and rolling 12-month total of particulate emissions as required. No exceedances of the permit limits have been noted. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 3.3 Days of operation for these activities shall be monitored and recorded monthly. Day of operation shall be used to determine daily throughput and emissions as specified in Conditions 3.1 and 3.2.

Cemex monitors days of operation for these activities to determine daily throughput and emissions. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 3.4 These sources, except for Front End Loader Activity, are subject to the opacity limits set forth in Condition 20 of this permit.

The baghouses are operated and maintained in accordance with the requirements in Condition 20. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 3.5 These sources are subject to the following fugitive particulate matter requirements.

- 3.5.1 Every owner or operator of a new source or activity that is subject to this Section III.D. and which is required to obtain an emission permit under Regulation No.

3 shall submit a fugitive particulate emission control plan meeting the requirements of this Section III.D. at such time as, and as part of, the required permit application. Such plan shall be approved or disapproved by the division in the course of acting to approve or disapprove the permit application and no emission permit shall be issued until a fugitive particulate emission control plan has been approved. (Colorado Regulation No. 1, III.D.1.b)

The following approved measures shall be used to control fugitive particulate matter emissions from these sources (Construction Permit 98BO0292).

A weekly inspection of the site shall be conducted to ensure the emission control elements are in place and effective. In addition, at any time when a fugitive dust problem is observed, the permittee shall take action to correct the problem. The permittee shall maintain records of the date and time of any fugitive dust problem observed, and the type and time of action taken to correct the problem. These records shall be maintained on site for inspection upon request.

The source performs weekly inspections of the control measures to ensure the emission control measures are in place and effective. The source maintains records of the weekly inspections and results as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

3.5.1.1 Height of discharge from the stacker belt shall be adjusted to minimize the drop height. Water spray bars shall be used if the natural surface moisture is insufficient to limit opacity to less than 10 percent.

Cemex installed a new stacker in 2009 equipped with a baghouse and a second foam system application at the transfer point to the new stacker from the two mile conveyor from Dowe Flats. Foam is first applied to material on the belt at Dowe Flats. The stacker is equipped with a “tattle-tail” sensor that maintains the stacker’s height above the stock pile and has a water spray bar to control particulate emissions at the discharge. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

3.5.1.2 Transfer points shall be enclosed and maintained under negative pressure.

The transfer points are shrouded and a dust collector capture fugitive dust and periodically release the collected material back onto the conveyor belt before the water spray nozzles. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 3.5.1.3 Moisture content of the materials handled by front-end loaders shall be adequate to effectively control the emissions. (Construction Permit 98BO0292, as modified according to Section I, Condition 1.3 of this permit)

No material handling was observed during the inspection. The material transported during previous inspections contained adequate moisture to control emissions. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 3.5.1.4 When feeding the primary crusher at the plant, material drop height from the front-end loaders shall be minimized. (Construction Permit 98BO0292, as modified per Section 1, Condition 1.3 of this permit)

A line is marked on the back of the primary crusher indicating the maximum drop height into the crusher. The equipment operator has been observed loading material into the hopper during previous inspections and the drop distance was minimized. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 3.5.1.5 The stockpile work area on which the front-end loaders operate shall be treated with chemical dust suppressants and/or water to minimize the generation of fugitive emissions. (Construction Permit 98BO0292, as modified per Section 1, Condition 1.3 of this permit)

No visible emissions issues were observed from the operation of the loader. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 3.5.1.6 Paved travel areas used by the front-end loader shall be regularly swept with a high efficiency industrial sweeper to minimize material buildups. In addition, these areas will be watered as necessary and vehicle traffic suspended or rerouted to minimize fugitive emissions if fugitive emissions become a concern. (Construction Permit 98BO0292, as modified per Section 1, Condition 1.3 of this permit)

The vacuum sweeper vehicle was observed on site during the inspection and no visible emissions issues were observed from vehicle use on the paved areas. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 3.5.1.7 Front end loader and hauling activities shall be suspended when the wind speed reaches or exceeds 30 m.p.h., averaged over a 60-minute period. Activities may continue when the average wind speed drops below 30 m.p.h. (Construction Permit 98BO0292, as modified per Section 1, Condition 1.3 of this permit)

Wind monitoring data and daily equipment operation logbooks are maintained onsite and equipment is suspended during high wind events. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

The permittee shall install, calibrate, and operate a wind speed instrument which will be used to alert personnel when wind speeds reach or exceed 30 m.p.h. The permittee shall maintain records of those dates and times when wind speed reaches or exceeds 30 m.p.h, averaged over a sixty minute period.

Cemex is using a wind speed monitor mounted at the top of the primary crusher building at Dowe Flats to continuously record wind speeds. The data acquisition system continuously monitors wind velocity and automatically notifies the control room operator when the wind speed exceeds 30 mph. The control room's computer monitors have been modified to include a visual alarm to notify operators of high wind. The anemometer was replaced in 2008 and routine calibrations are performed semiannually. Wind speed and equipment shut down records are maintained onsite; equipment and activities are shut down when the wind speed exceeded 30 mph. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 3.5.2 If the division determines that a source of activity which is subject to this Section III.D. (whether new or existing) is operating with emissions in excess of 20% opacity and such source is subject to the 20% emission limitation guideline; or if it determines that the source or activity which is subject to this Section III.D. is operating with visible emissions that are being transported off the property on which the source is located and such source is subject to the no off property transport emission limitation guideline; or if it determines that any source or activity which is subject to this Section III.D. is operating with

emissions that create a nuisance; it shall require the owner or operator of that source or activity to submit a written plan to the division for the control of fugitive particulate emissions within the time period specified in Section III.D. Provided, however, that in the case of a source or activity which already has a control plan, the division shall review said control plan and if it determines the plan does not meet the requirements of this Section III.D. it shall require the submission of a revised control plan. (Colorado Regulation No. 1, Section II.D.1.c)

The guidelines that apply to the activities at these sources are as follows:

- 3.5.2.1 Storage and Handling of Materials – Both the 20% opacity and the no off-property transport emission limitation guidelines shall apply to storage and handling operations. (Colorado Regulation No. III.D.2.c.(iii))
- 3.5.2.2 The 20% opacity, no off-property transport, and nuisance emission limitation guidelines of this Section III.D. (as included in Condition 3.5.2.1) are not enforceable standards and no person shall be cited for violation thereof pursuant to C.R.S. 1973, 25-7-115 as amended. (Colorado Regulation No. 1, Section III.D.1.e.(iii))
- 3.5.3 In the event that a revised control plan is requested under the provisions of Condition 3.5.2, the requirements in Condition 1.6.3 shall be met.
- 3.5.4 Violations of these fugitive particulate matter requirements and potential Division enforcement action related to those violations are defined in Condition 1.6.4.

No visible emissions in excess of 20% opacity and no off-property transport were noted during the inspection. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

4. P001 – Primary Crusher (Plant Site)

AIRs pt 001: S002 - Primary Crusher (Plant Site) and S004 – Surge Silo

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Process Rate	4.1			Recordkeeping	Annually
PM & PM ₁₀	4.2		PM & PM ₁₀ : Crusher: 0.001 lb/ton Surge Silo: 2.9 x 10 ⁻⁵ lb/ton	Recordkeeping and Calculation	Annually
PM	4.3	See Condition 4.3		Baghouse Maintenance and Operation	See Condition 19
Opacity	4.4	Shall not exceed 20%, except as provided for below		Visible Emission Observation Method 9 Baghouse Maintenance and Operation	Daily If Required (See Conditions 16.1.1.2 and 20.5.1) See Condition 19
		Certain Operating Conditions – Shall not exceed 30%, for a period or periods aggregating more than six (6) minutes in any 60 consecutive minutes			

**Compliance Status: S002 - Primary Crusher at Plant Site
S004 - Surge Silo**

Parameter		Limitations	Actual Data
Primary Crusher (Plant Site) (12-month period ending 4/30//2020)	Material Throughput	No limit	519,102 tons/yr
	PM	No limit	0.27 tons
	PM ₁₀	No limit	0.27 tons



Cemex provided the reported data above. Source is in compliance with calculating and reporting of monthly and annual production throughput values.

- 4.1 Raw materials processed through these sources shall be monitored and recorded annually. Any information used to determine the annual quantity of materials processed shall be maintained and made available to the Division upon request.

Cemex is recording monthly and annual raw material throughput as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 4.2 Annual emissions for purposes of APEN reporting and the payment of annual fees shall be estimated using the annual raw materials processed, as required by Condition 4.1, and the emission factors listed in the above summary table (AP-42, Section 11.6, dated January 1995, Table 11.6-4) in the following equation:

$$\text{Tons/yr} = \frac{[\text{EF (lb/ton)} \times \text{annual material processed (ton/yr)}]}{2000 \text{ lb/ton}}$$

The emission factors included in the above summary table account for baghouse control.

Cemex is calculating emissions using the raw material throughputs and the emission factors in the table above, as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 4.3 No owner or operator of a manufacturing process unit shall cause or permit emission of any particulate matter into the atmosphere during any consecutive sixty minute period which is in excess of the following. (Colorado Regulation No. 1, III.C.1)

- 4.3.1 For process equipment having design rates of greater than 30 tons per hour, the allowable emission rate shall be determined by use of the equation (Colorado Regulation No. 1, III.C.1.b):

$$E = 17.31 (P)^{0.16}$$

Where:

E is the allowable particulate emissions in lbs/hr.
P is the process weight rate in tons/hr

In absence of evidence to the contrary, compliance with the PM limit is presumed provided the baghouses are operated and maintained in accordance with the requirements specified in Condition 19.

The baghouses are operated and maintained in accordance with the requirements in Condition 19. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

4.4 These sources are subject to the opacity limits set forth in Condition 20 of this permit.

This point is meeting the opacity requirements outlined in Condition 20. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

P002 - Raw Materials Drying

AIRs pt 002: S005 Raw Materials Dryer

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Operating Hours	5.1	7,000 hours/year		Recordkeeping	Monthly
Dryer Feed	5.2	1,050,000 tons/year 160 tons/hour			
Coal	5.3	1.4 tons/hour			
Dryer Heat Input	5.4	210,000 MMBtu/year		Recordkeeping	Monthly
Btu Content of Fuel	5.5			Fuel Sampling	See Condition 5.5
PM	5.6	22.8 tons/year	See Condition 5.6.3.	Performance Test	From Annually to Every Five (5) Years (See Condition 5.6.2)
PM ₁₀		22.8 tons/year and 6.5 lbs/hour		Recordkeeping and Calculation	Monthly
SO ₂	5.7	36.7 tons/year	See Condition 5.7.2	Performance Test	VOC: Every Thirty (30) Months Other Pollutants: Every Five (5) years Monthly
NO _x		13.9 tons/year			
CO		57.3 tons/year			
Lead		1.6 tons/year			
VOC		144.8 tons/yr			
Opacity	5.8	Shall not exceed 20%, except as provided for below		Visible Emission Observation Method 9	Daily If Required (See Conditions 16.1.1.2 and 20.5.1)



Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
		Certain Operating Conditions - Shall not exceed 30%		Baghouse Maintenance and Operation	See Condition 19
RACT – VOC	5.9	Process Design		Certification	Annually
NSPS Subpart F Opacity	5.10	Less than 10%		Method 22	Monthly to Annually
CAM	5.11	See Condition 23			
MACT Requirements	5.12			See 40 CFR Part 63 Subpart LLL (Condition 22)	
		Total Organic HAP – 12 ppmvd ¹		Performance Test THC CPMS	Every 30 Months 30-Day Rolling Average
		O & M Plan Requirements		See Conditions 22.10 and 22.11.	
Regional Haze Requirements	5.13	NO _x - 13.9 tons/year SO ₂ - 36.7 tons/year		Performance Test Recordkeeping and Calculation	Every Five (5) years Monthly

¹Compliance with the THC limit (24 ppmvd) is provided as an alternative operating scenario in Section I, Condition 5.1.

Compliance Status: P002 - Raw Materials Drying (S005)

Parameter	Limitations	Reported Data
Operating Hours	7000 hrs	4,195 hrs
Dryer Feed	1,050,000 tons/yr	519,102 tons
	160 tons/hr	115.85 tons/hr
Coal Fuel	1.4 tons/hr	0.0 tons/hr
Dryer Heat Input	210,000 mmBtu/yr	35,361 MMBtu
PM	22.8 tons/yr	4.93 tons
PM ₁₀	22.8 tons/yr	4.93 tons
	6.5 lbs/hr	2.35 lbs/hr
SO ₂	36.7 tons/yr	0.03 tons
NO _x	13.9 tons/yr	4.24 tons
VOC	144.8 tons/yr	26.51 tons
CO	57.3 tons/yr	0.14 tons



Lead	1.6 tons/yr (3200lbs)	0.0002 lbs
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Cemex provided the reported data above for the rolling 12-month period ending 4/30/2020. The source conducts VOC testing on the dryer and implements emission factors to determine annual VOC emissions. The source installed a THC CEMS that was certified 6/5/2019 to demonstrate compliance with the dryer O-Hap requirements.

- 5.1 Annual operating hours shall not exceed the limits listed in the above summary table. (Construction Permit 12BO444-1, revised in accordance with Section I, Condition 1.3 of this permit). Dryer operating hours shall be monitored and recorded monthly. Monthly hours of operation shall be used in a twelve month rolling total to monitor compliance with the annual limitations. Each month a new twelve month rolling total shall be calculated using the previous twelve months data.

Cemex is recording operating hours, feed rates and fuel consumption as required. No exceedances of the permit limits were noted. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 5.2 Annual and hourly feed rates shall not exceed the limits listed in the above summary table (Construction Permit 12BO444-1, revised in accordance with Section I, Condition 1.3 of this permit).). The quantity of feed material to the dryer shall be monitored and recorded monthly. Any information used to determine the monthly quantities of feed material to the dryer shall be maintained and made available to the division upon request. Monthly quantities of feed material to the dryer shall be used in a twelve month rolling total to monitor compliance with the annual limitation. Each month a new twelve month rolling total shall be calculated using the previous twelve months data.

Compliance with the hourly dryer feed limit shall be monitored by dividing the monthly quantities of dryer feed by the hours the dryer operated for that month.

Cemex is recording operating hours, feed rates and fuel consumption as required. No exceedances of the permit limits were noted. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 5.3 The terms and conditions of this permit are based on the dryer using natural gas as the primary fuel. Coal may be used as a backup fuel during emergencies and natural gas curtailments. The Division shall be notified, in writing, within seven (7) calendar days of the start of coal use. Records of the amounts of coal burned and the duration of the combustion must be maintained. (Construction Permit 12BO444-1)



The quantity of coal burned shall be included in monitoring compliance with the heat input limit as specified in Condition 5.4. Compliance with the hourly coal consumption limit shall be determined by dividing the monthly amount of coal burned by the number of hours coal was burned during the month.

Cemex reported that natural gas was the only fuel supply used for the dryer during the inspection period. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 5.4 Dryer heat input shall not exceed the limitation listed in the above summary table. (Construction Permit 12BO444-1) The quantity of fuel burned in the dryer shall be monitored and recorded monthly. Monthly quantities of fuel burned shall be converted to units of MMBtu based on the heat content for each fuel as determined in Condition 5.5. Monthly heat input shall be used in a rolling twelve month total to monitor compliance with the annual limitations. Each month a new twelve month total shall be determined using the previous twelve months' data. Records of the twelve month totals shall be maintained and made available to the Division for inspection upon request.

Cemex is tracking the heat input to the dryer monthly and rolling 12-month total, the heat content of the fuel is provided quarterly, and records reviewed indicate no exceedances of the permit limits. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 5.5 The Btu content of the fuel burned in the dryer shall be determined as follows:
- 5.5.1 The heat content of the natural gas shall be determined semi-annually using ASTM Methods or equivalent if approved in advance by the Division.
 - 5.5.2 If coal is used as a fuel, each shipment of coal shall be sampled to determine the heat content and weight percent sulfur, using the appropriate ASTM methods, or equivalent if approved in advance by the Division. In lieu of sampling, vendor data may be used to determine the heat content and weight percent sulfur provided that the sampling and analysis was performed using the appropriate ASTM methods.

Cemex is tracking the heat input to the dryer monthly and rolling 12-month total, the heat content of the fuel is provided quarterly, and records reviewed indicate no exceedances of the permit limits. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

5.6 PM and PM₁₀ emissions shall not exceed the limits listed in the above summary table (Colorado Regulation No. 3, Part E, Section IV.A.2 (for PM) and Construction Permit 12BO444-1 (for PM₁₀)). Compliance with the PM emission limits shall be monitored as follows:

5.6.1 Baghouses shall be operated and maintained in accordance with the requirements in Condition 19.

5.6.2 Within 60 days of the compliance deadline specified in Condition 5.13.2 (April 17, 2014), the owner/operator shall conduct a stack test to measure particulate emissions in accordance with the requirements and procedures set forth in EPA Test Method 5, 5B, 5D or 17, as appropriate, as set forth in 40 CFR Part 60, Appendix A. Stack testing for particulate matter shall be performed annually, except that: (1) if any test results indicate emissions are less than or equal to 50% of the emission limit, another test is required within five years; (2) if any test results indicate emissions are more than 50%, but less than or equal to 75% of the emission limit, another test is required within three years; and (3) if any test results indicate emissions are greater than 75% of the emission limit, an annual test is required until the provisions of (1) or (2) are met. Each test shall consist of three test runs, with each run at least 60 minutes in duration. (Colorado Regulation No. 3, Part E, Section VII.C.3)

The protocol, test notification and submittal of test report shall meet the requirements specified in Condition 21.

Tests shall be performed using natural gas (the primary fuel). However, if coal is used for 45 days or more during any calendar year, stack testing shall be performed according to Condition 21 of this permit. This shall be a one-time test.

For purposes of assessing compliance with the annual emission limitations, the results of the test shall be converted to a lb/hr basis and multiplied by the allowable operating hours in the year (7,000 hrs/yr). Compliance with the daily PM₁₀ emission limit shall be assessed by comparing the lb/hr PM₁₀ emission rate from the test to the limit.

5.6.3 In addition, to the stack tests described above (Condition 5.6.2), compliance with the annual limitations (ton/yr limits) applicable to the CEMEX dryer shall be monitored by calculating emissions monthly using the emission factors (in lb/hr) determined from the most recent Division-approved stack test and hours of operation for the month (see Condition 5.1). Monthly emissions shall be calculated by the end of the subsequent month and used in a twelve month rolling total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous 12 months' data. (Colorado Regulation No. 3, Part E, Section VII.C.3)

Pollutant	Fuel	Emission Factor	Source
PM ¹	Natural Gas	0.84 lb/hr	May 2013 stack test (natural gas used as fuel)
PM ₁₀ ¹	Natural Gas	0.11 lb/hr	
PM ²	Coal	2.64 lb/hr	1988 stack test (coal used as fuel)
PM ₁₀ ²	Coal	2.64 lb/hr	

¹The emission factors in this table represent the emission factors from the most recent stack test. The permittee shall use emission factors from the most recent stack test to calculate emissions proceeding the test.

²These emission factors shall be used in the event that a stack test is not required for burning coal. If a stack test is conducted for coal burning, emission factors from that test shall be used in lieu of these factors.

Compliance with the hourly PM₁₀ emission limitation shall be monitored by dividing the monthly emissions by the number of hours the dryer operated for that month.

- 5.6.4 In addition to the stack tests described above (Condition 5.6.2), the owner/operator shall monitor compliance with the particulate matter limits in accordance with the applicable compliance assurance monitoring plan developed and approved in accordance with 40 CFR Part 64. (Colorado Regulation No.3, Part E, Section VII.C.3) The compliance assurance monitoring requirements are specified in Condition 5.11 and the compliance assurance monitoring plan is included in Appendix G of this permit.

Cemex is calculating emissions on a monthly and a rolling 12-month total basis as required. No exceedances were noted in the records provided. The source conducted PM and PM10 testing on 2/23/2018 that resulted in new emission factors of 2.35 lbs/hr for PM and 1.11 lbs/hr for PM10. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 5.7 SO₂, NO_x, CO, VOC and lead emissions shall not exceed the limits listed in the above summary table (Construction Permit 12BO444-1). Compliance with the emission limits shall be monitored as follows:

- 5.7.1 Performance testing for lead, sulfur dioxide, nitrogen oxides, carbon monoxide, and volatile organic compounds shall be performed in accordance with the requirements and procedures set forth in the appropriate EPA Test Methods.

Frequency of testing shall be every thirty (30) months for VOC and every five (5) years for lead, sulfur dioxide, nitrogen oxides and carbon monoxide.

Note that performance tests for SO₂, NO_x, CO, VOC and lead emissions were last conducted in June 2016.

Tests shall be performed under natural gas combustion conditions, however, tests shall be performed under coal combustion conditions if a test as described under Condition 5.6.2 is required (a one-time coal test is required, if applicable).

For purposes of assessing compliance with the annual emission limitations, the results of the tests shall be converted to a lb/hr basis and multiplied by the allowable operating hours in the year (7,000 hrs/yr).

A stack testing protocol shall be submitted for Division approval at least thirty (30) calendar days prior. The test protocol, test, and test report must be in accordance with the requirements of the APCD Compliance Test Manual (<https://www.colorado.gov/pacific/cdphe/inspections-and-enforcement>). A stack testing protocol shall be submitted for Division approval at least forty-five (45) calendar days prior to any performance of the test required under this condition. No stack test required herein shall be performed without prior approval of the protocol by the Division. The Division reserves the right to witness the test. In order to facilitate the Division's ability to make plans to witness the test, notice of the date(s) for the stack test shall be submitted to the Division at least thirty (30) calendar days prior to the test. The Division may for good cause shown, waive this thirty (30) day notice requirement. In instances when a scheduling conflict is presented, the Division shall immediately contact the permittee in order to explore the possibility of making modifications to the stack test schedule. The compliance test results shall be submitted to the Division within forty-five (45) calendar days of the completion of the test unless a longer period is approved by the Division.

5.7.2 Compliance with the annual emission limitations shall be monitored by calculating monthly emissions using the appropriate emission factors specified in the table below and hours of operation.

Pollutant	Fuel	Emission Factor	Source
SO ₂ ¹	Natural Gas	1.66 x 10 ⁻² lb/hr	June 2016 stack test (natural gas used as fuel)
NO _x ¹	Natural Gas	2.02 lb/hr	
CO ¹	Natural Gas	0.658 lb/hr	
VOC ¹	Natural Gas	9.19 lb/hr	
Pb ¹	Natural Gas	9.46 x 10 ⁻⁵ lb/hr	
SO ₂ ²	Coal	1.04 lb/hr	1988 stack test (coal used as fuel)
NO _x ²	Coal	13.68 lb/hr	
CO ²	Coal	19.6 lb/hr	
VOC ²	Coal	1.3 lb/hr	July 2011 stack test (natural gas used as fuel)
Pb ²	Coal	1.8 x 10 ⁻⁴ lb/hr	

¹The emission factors in this table represent the emission factors from the most recent stack test. The permittee shall use emission factors from the most recent stack test to calculate emissions proceeding the test.

²These emission factors shall be used in the event that a stack test is not required for burning coal. If a stack test is conducted for coal burning, emission factors from that test shall be used in lieu of these factors.

Monthly emissions shall be calculated by the end of the subsequent month. Monthly emissions shall be used in a rolling twelve month total to monitor compliance with the annual limitations. Each month a new twelve month rolling total shall be calculated using the previous twelve months' data.

- 5.7.3 Upon the compliance deadline for the NO_x and SO₂ emission limitations in Conditions 5.13.1.1 and 5.13.1.2 (Regional Haze NO_x and SO₂ limits), compliance with the NO_x and SO₂ emission limitation in Condition 5.7 shall, in the absence of credible evidence to the contrary, be presumed as long as the monitoring conducted in accordance with the requirements in Condition 5.13.3 (Regional Haze NO_x and SO₂ monitoring) indicates compliance with the PM emission limitations in Conditions 5.13.1.1 and 5.13.1.2 (Regional Haze NO_x and SO₂ limits).

Cemex is calculating emissions on a monthly and a rolling 12-month total basis as required. No exceedances were noted in the records provided during the inspection. Cemex performed the previous stack test for lead, sulfur dioxide, nitrogen oxides, carbon monoxide, and volatile organic compounds on 6/14/2016. Testing for lead, sulfur dioxide, nitrogen oxides and carbon monoxide testing will be required by 6/14/2021, 5 years after the previous test. The source installed a new THC CEMS on the dryer that was certified 6/5/2019 to demonstrate compliance with the O-Hap

emissions. The source tests VOC every 30 months and implements emission factors to calculate annual VOC emissions. It should be noted that the source reported excessive THC monitor downtime from the dryer CEMS and it was determined by the inspector during the inspection records review that this amount of downtime is a violation of condition 5.12 & 22 (see below) and not this condition because the source uses emission factors to demonstrate compliance with the VOC emission limits as required by 5.7.2. (In Compliance)

5.8 These sources are subject to the opacity limits set forth in Condition 20 of this permit.

The raw materials dryer is meeting the opacity requirements outlined in Condition 20. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

5.9 This source shall utilize Reasonably Available Control Technology (RACT) for VOC emissions (Colorado Regulation No. 7, II.C). Operation of this dryer as designed represents RACT. Any modification of the design shall require a new RACT determination and modification or reopening of this permit.

No modifications have been made to the dryer's operation or design. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

5.10 On and after the date on which the performance test required to be conducted by §60.8 is completed, you may not discharge into the atmosphere from any affected facility other than the kiln and clinker cooler any gases which exhibit 10 percent opacity, or greater. (40 CFR Part 60 Subpart F § 60.42(c))

Any sources other than kilns (including associated alkali bypass and clinker cooler) that are subject to the 10 percent opacity limit must follow the appropriate monitoring procedures in §63.1350(f) (Condition 22.33), (m)(1) through (4), (10) and (11), (o), and (p) of this chapter. (CFR Part 60 Subpart F § 60.64(b)(3))

See Condition 22.

5.11 This source is subject to the CAM requirements set forth in Condition 23 of this permit.

See Condition 23.

- 5.12 This source is subject to the requirements in 40 CFR Part 63 Subpart LLL as set forth in Condition 22 of this permit.

Specifically the dryer is subject to the organic HAP and work practice requirements in §63.1243(b) (Condition 22.4) and the operation and maintenance plan requirements, as well as any testing, monitoring, recordkeeping and reporting that apply to those requirements.

Note that the opacity requirement in 40 CFR Part 60 Subpart F (Condition 5.10) that applies to the dryer is more stringent than the opacity limit in 40 CFR Part 63 Subpart LLL (§ 63.1345, Condition 22.6), so as provided for in § 63.1356 (Condition 22.62), the dryer does not have to comply with the opacity requirement in § 63.1345. The opacity requirement in § 63.1345 is included in the permit shield for streamlined conditions (Section III.3) of this permit with respect to the dryer.

The source installed a new THC CEMS, a surrogate for o-HAP, which was certified 6/5/2019. The source reported excessive THC monitor downtime (8.579%; 134 hours down of 1562 operating hours) from the dryer CEMS due to two primary causes, loss of compressed air and a sampling pump breakdown. It was determined by the inspector during the inspection records review that this amount of downtime is a violation. The source failed to demonstrate compliance with the o-HAP limits as required. See Condition 22. (Not In Compliance)

- 5.13 The dryer is subject to the following Regional Haze Requirements:

- 5.13.1 Emission Limitations (Colorado Regulation No. 3, Part G, Section VI.A.2)

5.13.1.1 NO_x emissions shall not exceed 13.9 tons/year.

5.13.1.2 SO₂ emissions shall not exceed 36.7 tons/year.

- 5.13.2 Compliance Date

5.13.2.1 The permittee must comply with the above limits and averaging times as expeditiously as practicable, but in no event later than five years after EPA approval of Colorado's state implementation plan for regional haze, or relevant component thereof. The permittee must maintain control equipment or operational practices required to comply with the above limits and averaging times, and establish procedures to ensure that such equipment or operational practices are properly operated and maintained. (Colorado Regulation No. 3, Part F, Section IV.A.3)

5.13.2.2 The permittee shall submit to the Division a proposed compliance schedule within sixty days after EPA approves the BART portion of the Regional Haze SIP. The Division shall publish these proposed schedules and provide for a thirty-day public comment period following publication. The Division shall publish its final determinations regarding the proposed schedules for compliance within sixty days after the close of the public comment period and will respond to all public comments received. (Colorado Regulation No. 3, Part F, Section IV.A.4)

The Division issued a determination on October 1, 2013 which specified the following compliance dates:

- a. NO_x – July 1, 2017
- b. SO₂ – July 1, 2017
- c. PM - April 17, 2014 (note that the PM emission limit is included in Condition 5.6)

5.13.3 SO₂ and NO_x Monitoring Requirements.

5.13.3.1 Unless performance tests were completed within the previous 6 months, within 60 days of the compliance deadline specified in Regulation Number 3, Part F Section VI.A.3 (See Condition 5.13.2.2), the owner/operator shall conduct a stack test to measure NO_x and SO₂ emissions in accordance with the appropriate EPA test methods. Frequency of testing thereafter shall be every five years. Each test shall consist of three test runs, with each run at least 60 minutes in duration. (Colorado Regulation No. 3, Part F, Section VI.B.2.b)

For purposes of assessing compliance with the annual emission limitations, the results of the tests shall be converted to a lb/hr basis and multiplied by the allowable operating hours in the year (7,000 hrs/yr).

The requirements for the test protocol, notification and report specified in Condition 5.7.1 shall be met.

5.13.3.2 In addition to the stack tests described above, compliance with the annual NO_x and SO₂ limits shall be monitored by calculating emissions monthly using the emission factors (in lb/hr) determined from the most recent Division-approved stack test and hours of operation for the month. Monthly emissions shall be calculated by the end of the subsequent month and used in a twelve month rolling total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous 12 months' data. (Colorado Regulation No. 3, Part F, Section VI.B.2 and VI.B.2.b)

The source maintains records of emissions on a 12-month rolling total basis. The source is using the emission factors identified in 5.7.2. The reported rolling 12 month total production is in the table above. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)



6. P003 - Secondary Crushing

AIRS pt 003: Secondary Crushing and Screening (vents to S001) and S003 - #4 Belt Transfer

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Process Rate	6.1			Recordkeeping	Annually
PM & PM ₁₀	6.2		PM & PM ₁₀ : Screening and Crushing: 0.00031 lb/ton Silo and Belt Transfer: 2.9 x 10 ⁻⁵ lb/ton (each baghouse)	Recordkeeping and Calculation	Annually
PM	6.3	See Condition 6.3		Baghouse Maintenance and Operation	See Condition 19
Opacity	6.4	Shall not exceed 20%, except as provided for below		Visible Emission Observation Method 9	Daily If Required (See Conditions 16.1.1.2 and 20.5.1) See Condition 19
		Certain Operating Conditions - Shall not exceed 30%, for a period or periods aggregating more than six (6) minutes in any 60 consecutive minutes		Baghouse Maintenance and Operation	

**Compliance Status: P003 - Secondary Crushing
S001 - Crusher and Screen
S003 - #4 Belt Transfer**

Parameter		Limitations	Reported Data
Material Throughput		No limit	519,102 tons
P003 - Secondary Crushing	PM	No limit	0.09 tons
	PM ₁₀	No limit	0.09 tons

Cemex provided the reported data above for the rolling 12-month period ending 4/30/2020. The emissions calculations for PM and PM₁₀ are based on the emission factors stated in the permit and the actual material throughput.

- 6.1 Raw materials processed through these sources shall be monitored and recorded annually. Any information used to determine the annual quantity of materials processed shall be maintained and made available to the Division upon request.

Cemex is tracking raw material throughput on a monthly and annual basis, as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 6.2 Annual emissions for purposes of APEN reporting and the payment of annual fees shall be estimated using the annual raw materials processed, as required by Condition 6.1, and the emission factor listed in the above summary table (AP-42, Section 11.6, dated January 1995, Table 11.6-4) in the following equation:

$$\text{Tons/yr} = \frac{[\text{EF (lb/ton)} \times \text{annual material processed (ton/yr)}]}{2000 \text{ lb/ton}}$$

The emission factors included in the above summary table account for baghouse control.

Cemex is using the correct emission factor to calculate PM and PM₁₀ emission from the Secondary Crusher activities on a monthly and annual basis as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 6.3 No owner or operator of a manufacturing process unit shall cause or permit emission of any particulate matter into the atmosphere during any consecutive sixty minute period which is in excess of the following (Colorado Regulation No. 1, III.C.1):

6.3.1 For process equipment having design rates of greater than 30 tons per hour, the allowable emission rate shall be determined by the use of the equation (Colorado Regulation No. 1, III.C.1.b):

$$E = 17.31 (P)^{0.16}$$

Where:

E is the allowable particulate emissions in lbs/hr.

P is the process weight rate in tons/hr

In absence of evidence to the contrary, compliance with the PM limit is presumed provided the baghouses are operated and maintained in accordance with the requirements specified in Condition 19.

The baghouses are operated and maintained in accordance with the requirements in Condition 19. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

6.4 These sources are subject to the opacity limits set forth in Condition 20 of this permit.

Wind speed and equipment shut down records are maintained onsite. This point is meeting the opacity requirements outlined in Condition 20. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

7.

P004 - Raw Material Storage Silos

AIRs pt 004: S006 through S008 - Raw Materials Storage Silos

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Process Rate	7.1			Recordkeeping	Annually
PM & PM ₁₀	7.2		PM & PM ₁₀ : 2.9 x 10 ⁻⁵ lb/ton (for each baghouse stack)	Recordkeeping and Calculation	Annually



Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
PM	7.3	See Condition 7.3		Baghouse Maintenance and Operation	See Condition 19
Opacity	7.4	Shall not exceed 20%, except as provided for below		Visible Emission Observation Method 9	Daily If Required (See Conditions 16.1.1.2 and 20.5.1) See Condition 19
		Certain Operating Conditions - Shall not exceed 30%, for a period or periods aggregating more than six (6) minutes in any 60 consecutive minutes		Baghouse Maintenance and Operation	
MACT Requirements	7.5			See 40 CFR Part 63 Subpart LLL (Condition 22)	
		Opacity Shall Not Exceed 10%		Method 22	Monthly to Annually
		O & M Plan Requirements		See Conditions 22.10 and 22.11	

**Compliance Status: P004 - Raw Materials Storage
S006 through S008 - Raw Materials Storage Silos**

Parameter		Limitations	Reported Data
Material Throughput		No limit	519,102 tons
Raw Material Storage (S006, S007, S008)	PM	No limit	0.008 tons
	PM ₁₀	No limit	0.008 tons

Cemex provided the reported material throughput data above for the rolling 12-month period ending 4/30/2020. Particulate emissions are calculated on a monthly and annual basis as required.



The emissions calculations for PM and PM₁₀ are based on the emission factors stated in the permit and the actual material throughput.

- 7.1 Raw materials processed through these sources shall be monitored and recorded annually. Any information used to determine the annual quantity of materials process shall be maintained and made available to the Division upon request.

Cemex is tracking raw material throughput on a monthly and annual basis, as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 7.2 Annual emissions for purposes of APEN reporting and the payment of annual fees shall be estimated using the annual raw materials processed, as required by Condition 7.1, and the emission factors listed in the above summary table (AP-42, Section 11.6, dated January 1995, Table 11.6-4) in the following equation:

$$\text{Tons/yr} = \frac{[\text{EF (lb/ton)} \times \text{annual material processed (tons/yr)}]}{2000 \text{ tons/yr}}$$

The emission factors included in the above summary table account for baghouse control.

Cemex is using the correct emission factor to calculate PM and PM₁₀ emission from the Raw Material Storage areas on a monthly and annual basis as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 7.3 No owner or operator of a manufacturing process unit shall cause or permit emission of any particulate matter into the atmosphere during any consecutive sixty minute period which is in excess of the following (Colorado Regulation No. 1, III.C.1):

- 7.3.1 For process equipment having design rates of greater than 30 tons per hour, the allowable emission rate shall be determined by the use of the equation (Colorado Regulation No. 1, III.C.1.b):

$$E = 17.31 (P)^{0.16}$$

Where:

E is the allowable particulate emissions in lbs/hr.
P is the process weight rate in tons/hr

In absence of evidence to the contrary, compliance with the PM limit is presumed provided the baghouses are operated and maintained in accordance with the requirements specified in Condition 19.

The baghouses are operated and maintained in accordance with the requirements in Condition 19. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

7.4 These sources are subject to the opacity limits set forth in Condition 20 of this permit.

This point is meeting the opacity requirements outlined in Condition 20. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

7.5 These sources are subject to the requirements in 40 CFR Part 63 Subpart LLL as set forth in Condition 22 of this permit.

See Condition 22.

8.

P005 - Raw Material Grinding

AIRs pt 005: S010 - Raw Material Grinding, S011 – Raw Material Separator, S012 – Raw Mill Feeders and S013 - Iron/Silica Silo

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Process Rate	8.1			Recordkeeping	Annually
PM &PM ₁₀	8.2		PM & PM ₁₀ : S010 - 0.012 lb/ton S011 - 0.032 lb/ton	Recordkeeping and Calculation	Annually



Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
			S012 - 0.019 lb/ton S013 - 0.0031 lb/ton		
PM	8.3	See Condition 8.3		Baghouse Maintenance and Operation	See Condition 19
Opacity	8.4	Shall not exceed 20%, except as provided for below		Visible Emission Observation Method 9	Daily If Required (See Conditions 16.1.1.2 and 20.5.1) See Condition 19
		Certain Operating Conditions – Shall not exceed 30%		Baghouse Maintenance and Operation	
MACT Requirements	8.5			See 40 CFR Part 63 Subpart LLL (Condition 22)	
		Opacity Shall Not Exceed 10%		Method 22	S010 & S011 Daily S012 & S013 Monthly to Annually
		O & M Plan Requirements		See Conditions 22.10 and 22.11	
CAM	8.6	See Condition 23 (S010, S011 & S012 only)			

Compliance Status: P005 - Raw Mill Grinding
S010 - Raw Mill
S011 - Raw Mill Auxiliary (Separator)
S012 - Raw Mill Weigh Feeder
S013 - Iron/Silica Silo

Parameter		Limit	Reported Data
Process Rate		No limit	516,098 tons
P005 - Raw Mill Grinding	PM	No limit	16.30 tons
	PM ₁₀	No limit	16.30 tons

Cemex provided the Reported Data above for the rolling 12-month period ending 4/30/2020. The emissions calculations for PM and PM₁₀ are based on the emission factors stated in the permit and the actual material throughput.

- 8.1 Raw material processed through these sources shall be monitored and recorded annually. Any information used to determine the annual quantity of materials processed shall be maintained and made available to the Division upon request.

Cemex is tracking raw material throughput on a monthly and annual basis, as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 8.2 Annual emissions for purposes of APEN reporting and the payment of annual fees shall be estimated using the annual raw materials processed, as required by Condition 8.1, and the emission factors listed the above summary table (AP-42, Section 11.6, January 1995, Table 11.6-4), in the following equation:

$$\text{Tons/yr} = \frac{[\text{EF (lb/ton)} \times \text{annual material processed (ton/yr)}]}{2000 \text{ lb/ton}}$$

The emissions factors included in the above summary table account for baghouse control.

Cemex is using the correct emission factor to calculate PM and PM₁₀ emission from the Raw Mill point sources S010, S011, S012, and S013 on a monthly and annual basis as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 8.3 no owner or operator of a manufacturing process unit shall cause or permit emission of any particulate matter into the atmosphere during any consecutive sixty minute period which is in excess of the following (Colorado Regulation No. 1, III.C.1):

- 8.3.1 For process equipment having design rates of greater than 30 tons per hour, the allowable emission rate shall be determined by use of the equation (Colorado Regulation No. 1, III.C.1.b):

$$E = 17.31 (P)^{0.16}$$

Where:

E is the allowable particulate emissions in lbs/hr.

P is the process weight rate in tons/hr

In absence of evidence to the contrary, compliance with the PM limit is presumed provided the baghouses are operated and maintained in accordance with the requirements specified in Condition 19.

The baghouses are operated and maintained in accordance with the requirements in Condition 19. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

8.4 These sources are subject to the opacity limits set forth in Condition 20 of this permit.

This point is meeting the opacity requirements outlined in Condition 20. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

8.5 These sources are subject to the requirements in 40 CFR Part 63 Subpart LLL as set forth in Condition 22 of this permit.

See Condition 22.

8.6 The following sources are subject to the CAM requirements set forth in Condition 23 of this permit: S010, S011 and S012.

See Condition 23.

9. P006 - Homogenizing and Blending

AIR pt 006: S014 - Homogenizing Silo and S015 Kiln Feed Silo

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Process Rate	9.1			Recordkeeping	Annually
PM & PM ₁₀	9.2		PM & PM ₁₀ : 2.9 x 10 ⁻⁵ lb/ton (for each baghouse stack)	Recordkeeping and Calculation	Annually
PM	9.3	See Condition 9.3		Baghouse Maintenance and Operation	See Condition 19
Opacity	9.4	Shall not exceed 20%, except as provided for below		Visible Emission Observation Method 9 Baghouse Maintenance and Operation	Daily If Required (See Conditions 16.1.1.2 and 20.5.1) See Condition 19
		Certain Operating Conditions - Shall not exceed 30%, for a period or periods aggregating more than six (6) minutes in any 60 consecutive minutes			
MACT Requirements	9.5			See 40 CFR Part 63 Subpart LLL (Condition 22)	
		Opacity Shall Not Exceed 10%		Method 22	Monthly to Annually
		O & M Plan Requirements		See Conditions 22.10 and 22.11	

**Compliance Status: P006 - Homogenizing and Blending
S014 - Homogenizing Silo
S015 - Kiln Feed Silo**

Parameter		Limit	Reported Data
Process Rate		No limit	516,098 tons
P006 - Homogenizing and Blending	PM	No limit	0.01 tons
	PM ₁₀	No limit	0.01 tons

Cemex provided the Reported Data above for the rolling 12-month period ending 4/30/2020. The emissions calculations for PM and PM₁₀ are based on the emission factors stated in the permit and the actual material throughput.

- 9.1 Material processed through these sources shall be monitored and recorded annually. Any information used to determine the annual quantity of materials processed shall be maintained and made available to the Division upon request.

Cemex is tracking raw material throughput on a monthly and annual basis, as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 9.2 Annual emissions for purposes of APEN reporting and the payment of annual fees, shall be estimated using the annual materials processed, as required by Condition 9.1, and the emission factors listed in the above summary table (AP-42, Section 11.6, dated January 1995, Table 11.6-4), in the following equation:

$$\text{Tons/mo} = \frac{[\text{EF (lb/ton)} \times \text{annual material processed (tons/yr)}]}{2000 \text{ lb/ton}}$$

The emission factors included in the above summary table account for baghouse control.

Cemex is using the correct emission factor to calculate PM and PM₁₀ emission from the Homogenizing and Blending silos on a monthly and annual basis as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 9.3 No owner or operator of a manufacturing process unit shall cause or permit emission of any particulate matter into the atmosphere during any consecutive sixty minute period which is in excess of the following (Colorado Regulation No. 1, III.C.1):



9.3.1 For process equipment having design rates of greater than 30 tons per hour, the allowable emission rate shall be determined by use of the equation (Colorado Regulation No. 1, III.C.1.b):

$$E = 17.31 (P)^{0.16}$$

Where:

E is the allowable particulate emissions in lbs/hr.

P is the process weight rate in tons/hr

In absence of evidence to the contrary, compliance with the PM limit is presumed provided the baghouses are operated and maintained in accordance with the requirements specified in Condition 19.

The baghouses are operated and maintained in accordance with the requirements in Condition 19. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

9.4 These sources are subject to the opacity limits set forth in Condition 20 of this permit.

This point is meeting the opacity requirements outlined in Condition 20. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

9.5 These sources are subject to the requirements in 40 CFR Part 63 Subpart LLL as set forth in Condition 22 of this permit.

See Condition 22.

10. P007- Kiln Burning and P008 – Clinker Cooling and Transfer to Storage for Finish Mill

AIRs pt 007 (P007): S016 – Precalciner Kiln

AIRs pt 008 (P008): S017 – Clinker Drag Chains, S018 - Clinker Cooler, S023 Drag Conveyor, S024B – Outside Clinker Drop Hood

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Kiln Feed Rate & Clinker Production Rate	10.1			Recordkeeping	Daily
Operating Hours	10.2	8,064 hours/year		Recordkeeping	Daily and Monthly
Kiln Feed Rate	10.3	120 tons/hour 967,680 tons/year (dry basis)		Recordkeeping	Daily and Monthly
Kiln Fuel	10.4	Natural Gas: 2,438 MMscf/yr Coal: 113,945 tons/yr Tire-Derived Fuel (Whole or Shredded Tires): 18,400 tons/yr Petroleum Coke/Coal Blend: 10,000 tons/yr Blend not to exceed 10% petroleum coke and petroleum coke not to exceed 2% sulfur by weight The use of any other fuel requires Division approval		Recordkeeping	Daily and Monthly
PM & PM ₁₀ – Kiln	10.5	133 ton/year	See Condition 10.5	Performance Test Recordkeeping and Calculation	Annually Monthly

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
				Baghouse Operation and Maintenance	See Condition 19
PM & PM ₁₀ – P008	10.6		S018: performance test S024B, S017 & S023: 0.0024 lb/ton (for each baghouse stack)	Recordkeeping and Calculation	Annually
PM – S017, S023 & S024B	10.7	See Condition 10.7		Baghouse Operation and Maintenance	See Condition 19
Provisions for Using Tire-Derived Fuel in Kiln	10.8			See Condition 10.8	
Opacity	10.9	Shall not exceed 20%, except as provided for below		Continuous Opacity Monitoring System Method 9	Continuously
		Certain Operating Conditions - Shall not exceed 30%			During Each Spray Tower Blasting Event
NO _x – Kiln	10.10	2649.0 tons/year		Continuous Emission Monitoring System	Continuously
		1.85 lb/ton clinker, on a 30-day rolling average			
CO – Kiln	10.11	396.0 tons/year			
SO ₂ - Kiln	10.12	1340 tons/year			
SO ₂	10.13	Facility Wide Limit: 7 lbs/ton of material		See Condition 10.13	Daily
VOC - Kiln	10.14	138 tons/year	Stack Test	Performance Test Recordkeeping and Calculation	Annually Monthly



Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Continuous Emission Monitoring Requirements	10.15			See Condition 10.15	
Lead - Kiln	10.16	4.4 tons/year	See Condition 10.16	Performance Test Recordkeeping and Calculation	Every Five (5) Years Monthly
RACT – VOC	10.17	Process Design		Certification	Annually
MACT Standards	10.18			See 40 CFR Part 63 Subpart LLL (Condition 22)	
		O & M Plan Requirements		See Conditions 22.10 and 22.11	
		Kiln: PM – 0.07 lb/ton clinker		Performance Test PM CPMS	Annually 30-Day Rolling Average
		D/F – 0.2 ng/dscm (TEQ), corrected to 7% O ₂		Performance Test Temperature at Baghouse Inlet	Every 30 Months 3-Hour Rolling Average
		Mercury (Hg) – 55 lb/MM tons clinker		Sorbent Trap System ²	30-Day Rolling Average
		THC – 24 ppmvd, corrected to 7% O ₂ ¹		THC CEMS	30-Day Rolling Average
		HCl – 3 ppmvd, corrected to 7% O ₂		Performance Test SO ₂ CEMS ²	Every 30 Monthlys 30-Day Rolling Average
		Clinker Cooler: PM – 0.07 lb/ton clinker		Performance Test PM CPMS	Annually 30-Day Rolling Average
CAM	10.19	See Condition 23 (kiln (P007/S016) only)			
SNCR Operating Requirements	10.20			See Condition 10.20	

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Prohibition on Netting Credits or Offsets from Required Controls	10.21			See Condition 10.21	
Regional Haze Requirements	10.22	<p>Kiln: Opacity shall not exceed 20%. NO_x – 255.3 lbs/hr, on a 30-day rolling average and 901.0 tons/year SO₂ – 25.3 lbs/hr, on a 12-month rolling average and 95 tons/yr</p>		COMS, CEMS	Continuous

¹Compliance with the total organic HAP limit (12 ppmvd) is provided as an alternative operating scenario in Section I, Condition 5.3.

²40 CFR Part 63 Subpart LLL provides alternative monitoring options in lieu of those included in the permit, specifically: for Hg, Hg CEMS, for HCl, HCl CEMS or a sorbent monitoring system. Use of these alternatives requires the installation and certification of the appropriate monitoring system and a permit modification to include the appropriate requirements in the permit. The modification application may be processed as a minor modification using the procedures in Colorado Regulation No. 3, Part C, Section X.

**Compliance Status: P007- Kiln, Calciner (S016)
P008 - Clinker Cooler (S018)**

Parameter		Limitations	Reported Data
Clinker Production		No limit	326,254 tons
Operating Hours		8,064 hrs/yr	5,991 hrs
Kiln Feed Rate		120 tons/hr	87.63 tons/hr
		967,680 tons/yr	517,217 tons
Fuel	Natural Gas	2,438 Mmscf/yr	307.42 Mmscf
	Coal	113,945 tons/yr	44,499 tons
PM from Kiln		133 tons/yr	2.75 tons
PM ₁₀ from Kiln		133 tons/yr	2.75 tons
NO _x		2649.0 tons/yr	219.62 tons
NO _x (Regional Haze)		901.0 tons/yr	

CO	396.0 tons/yr	131.89 tons
SO ₂	1340.0 tons/yr	10.16 tons (20,320 lb)
SO ₂ Facility Wide Limit	7.0 lbs/ton material	2.87 lbs/ton material (8/2019)
SO ₂ (Regional Haze)	95 tons/yr	10.16 tons
VOC	138.0 tons/yr	0.73 tons/yr
HCl	No limit	0.49 tons/yr
Lead	4.4 tons/yr	0.00076 tons/yr

Cemex provided the reported data above for the rolling 12-month period ending 4/30/2020. The emissions calculations are based on the continuous emission monitoring systems and emission factors derived from stack tests and stated in the permit. The source performs annual stack testing to determine annual VOC emissions. The source uses the results of the stack testing to calculate annual VOC emissions from the main kiln stack with emission factors. The source has installed, certified (9/8/2015) and maintains a THC CEMS to demonstrate compliance with the THC MACT Standards (THC – 24 ppmvd, corrected to 7% O₂) and the total organic HAP limit. The THC CEMS is not used annual tons/year limit (source performs annual stack testing to determine annual VOC emissions).

10.1 The permittee shall record the daily production rates and kiln feed rates (Construction Permit 12BO444-2).

Cemex is recording the daily production rates, kiln feed rates, raw material consumption and clinker production rates. The daily production rates are compiled into monthly and annual records as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

10.2 Annual (calendar year) operating hours shall not exceed 8,064 (Construction Permit 12BO444-2). The permittee shall monitor and record hours of operation daily (Construction Permit 12BO444-2). Daily hours of operation shall be summed to determine monthly hours of operation. Monthly hours of operation shall be used to monitor compliance with the annual limitation.

Cemex is tracking operating hours daily and maintaining monthly and annual records as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

10.3 Kiln feed rate shall not exceed 120 tons/hour and 967,680 tons/year (dry basis). (Construction Permit 12BO444-2, as modified under the provisions of Section I, Condition 1.3 to increase the annual limitation.) Daily quantities of the kiln feed shall be summed to

determine monthly quantities of kiln feed. Monthly quantities of kiln feed shall be used in a rolling twelve month total to monitor compliance with the annual limitations. Each month a new twelve month rolling total shall be calculated using the previous twelve months' data.

Compliance with the hourly kiln feed rate shall be determined by dividing the daily kiln feed rate, as recorded under Condition 10.1, by the daily hours of operation, as recorded under Condition 10.2.

Cemex is tracking operating hours and the kiln feed rate as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 10.4 The Construction Permit was issued based on permitted fuels consisting of natural gas, coal, and/or tire derived fuel (TDF). The use of petroleum coke is incorporated directly into this operating permit according to Section I, Condition 1.3 of this permit. No other fuels shall be used without prior approval from the Division.

Kiln fuel consumption shall not exceed the limitations listed in the above summary table (Construction Permit 12BO444-2). Records of the amount of each type of fuel shall be monitored and recorded daily. (Construction Permit 12BO444-2) Daily quantities of each type of fuel shall be summed to determine monthly quantities of fuel. Monthly quantities of each type of fuel shall be used in a rolling twelve month total to monitor compliance with the annual limitations. Each month new twelve month totals shall be calculated using the previous twelve months' data.

Cemex uses both coal and natural gas as fuel sources in the kiln and has incorporating used tires as an alternative fuel source. No TDF or pet coke has been burned in the kiln since before March 2008. Cemex tracks kiln fuel consumption and kiln feed rates on an hourly, daily, monthly and rolling 12-month total basis, as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

The permittee shall provide the Division written notice at least sixty (60) calendar days prior to the commencement of burning TDF in the kiln.

No tire derived fuels (TDF) or petroleum coke/coal blends have been used during the inspection period. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

A petroleum coke/coal blend containing no more than 10% petroleum coke may be used. The sulfur content of the petroleum coke used shall not exceed 2% by weight. The sulfur content of the petroleum coke used in the blend shall be determined by sampling and analyzing each shipment of petroleum coke, using the appropriate ASTM methods or equivalent, if approved in advance by the Division. In lieu of sampling, vendor data may be used to determine the weight percent sulfur provided that sampling and analysis was performed using the appropriate ASTM methods.

No tire derived fuels (TDF) or petroleum coke/coal blends have been used during the inspection period. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 10.5 Emissions of PM and PM₁₀ **from the kiln (P007)** shall not exceed the limits listed in the above summary table. (Construction Permit 12BO444-2). Compliance with the PM and PM₁₀ limits shall be monitored as follows:
 - 10.5.1 Compliance with the annual emission limits shall be assessed during the annual performance tests required by 40 CFR Part 63 Subpart LLL (Condition 22). The emission factor (in lb/ton clinker) determined from the performance test shall be used to calculate emissions as required by Condition 10.5.2.
 - 10.5.2 Monthly emissions shall be calculated by the end of the subsequent month using the emission factors from the most recent performance test (assumes PM = PM₁₀) and the monthly quantity of clinker produced. Monthly emissions shall be used in a rolling twelve month total to monitor compliance with the annual emission imitations. Each month a new twelve month total will be calculated using the previous twelve months data.
 - 10.5.3 Baghouses shall be operated and maintained in accordance with the requirements in Condition 19

Cemex conducts annual performance tests on the kiln and uses the emission factors from the most recent performance test to calculate emissions as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 10.6 Annual emissions of PM and PM₁₀ **from emission group P008 (Clinker Cooling and Transfer to Storage for Finish Mill)** shall be calculated for the purposes of APEN reporting and the payment of fees, as follows:
 - 10.6.1 Annual emissions from the clinker cooler (S018) shall be calculated using the PM and PM₁₀ emission factors (in lbs/ton clinker) from the most recent

performance test (assumes PM = PM₁₀) conducted on the clinker cooler as required by 40 CFR Part 63 Subpart LLL (Condition 22) and the annual quantity of clinker produced.

- 10.6.2 Annual PM and PM₁₀ emissions from the remaining emission units (S024B, S017 and S023) within P008 shall be calculated using the emission factors specified in the above summary table (AP-42, Section 11.6 (dated 1/95), Table 11.6-4) and the annual quantity of clinker produced.

Cemex is calculating PM and PM₁₀ emissions from the clinker cooler using the appropriate emission factors as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 10.7 **For S024B, S017 and S023:** no owner or operator of a manufacturing process unit shall cause or permit emission of any particulate matter into the atmosphere during any consecutive sixty minute period which is in excess of the following (Colorado Regulation No. 1, III.C.1):

- 10.7.1 For process equipment having design rates of greater than 30 tons per hour, the allowable emission rate shall be determined by use of the equation (Colorado Regulation No. 1, III.C.1.b):

$$E = 17.31 (P)^{0.16}$$

Where:

E is the allowable particulate emissions in lbs/hr.

P is the process weight rate in tons/hr

In absence of evidence to the contrary, compliance with the PM limit is presumed provided the baghouses are operated and maintained in accordance with the requirements specified in Condition 19.

The baghouses are operated and maintained in accordance with the requirements in Condition 19. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 10.8 The following requirements apply when TDF is used as fuel in the kiln:

- 10.8.1 Performance tests shall be conducted as follows:

- 10.8.1.1 Performance tests shall be conducted within forty five (45) days of

commencing burning of TDF in the kiln, provided the requirements in Condition 10.8.1.2 are met.

- 10.8.1.2 If the burning of TDF fuel does not occur for 45 days or more during a rolling twelve month period, no stack testing is required. The 45 days is the total number of days that TDF is burned in the kiln. If TDF is burned in the kiln only part of a day, that day counts towards the 45 day total.
 - 10.8.1.3 Performance tests shall be conducted for VOC in accordance with the requirements in Condition 10.14.1 and for lead in accordance with the requirements in Condition 10.16.1.
 - 10.8.1.4 A performance test shall be conducted to verify compliance with the dioxin-furan limit in 40 CFR Part 63 Subpart LLL (Condition 22) using the appropriate EPA Test Methods and the procedures in 40 CFR Part 63 Subpart LLL (Condition 22). The protocol, test notification and submittal of test report shall meet the requirements specified in Condition 10.14.1.
 - 10.8.1.5 If TDF burned for more than 20% of the total plant operating hours during the five year term of this permit, an additional stack test shall be required during the term of the renewal permit. Such test shall be conducted within 45 calendar days of achieving the 20% of total plant operating threshold.
- 10.8.2 Scrap tires that are not discarded and are managed under the oversight of established tire collection programs, including tires removed from vehicles and off-specification tires are not solid wastes when used as a fuel (40 CFR Part 241 § 241.4(a)(1)). The TDF used as fuel in the kiln shall meet the requirements in this Condition 10.8.2 or the kiln will be subject to the requirements in 40 CFR Part 60 Subpart DDDD, “Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units”.

No tire derived fuels (TDF) have been used during the inspection period. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

10.9 These sources are subject to the following opacity requirements:

- 10.9.1 Except as provided in Condition 10.9.2, below, no owner or operator of a source shall allow or cause the emission into the atmosphere of any air pollutant which is in excess of 20% opacity. This standard is based on 24 consecutive opacity readings taken at 15-second intervals for six minutes. The approved reference test method for visible emissions measurement is EPA Method 9 (40

CFR Part 60, Appendix A (July, 1992)) in all subsections of Section II.A of Regulation No. 1. (Colorado Regulation No. 1, II.A.1).

- 10.9.2 No owner or operator of a source shall allow or cause to be emitted into the atmosphere any air pollutant resulting from the building of a new fire, cleaning of fire boxes, soot blowing, start-up, any process modification, or adjustment or occasional cleaning of control equipment, which is in excess of 30% opacity for a period or periods aggregating more than six minutes in any sixty consecutive minutes (Colorado Regulation No. 1, Section II.A.4).

Compliance with this opacity limits shall be monitored as follows:

- 10.9.3 For **the kiln (P007)** compliance with the opacity limits in Conditions 10.9.1 and 10.9.2 shall be monitored using the continuous opacity monitor system (COMS) required by Conditions 10.15.1 and 10.22.4.1.
- 10.9.4 For **clinker cooler (S018)** compliance with the opacity limits in Conditions 10.9.1 and 10.9.2 shall be monitored using the continuous opacity monitor system (COMS) required by Condition 10.15.2.
- 10.9.5 For the **other sources included in emission group P008**, compliance with the opacity limits in Conditions 10.9.1 and 10.9.2 shall be monitored as required by Condition 20.
- 10.9.6 For **the kiln (P007)** compliance with the opacity limit in Condition 10.9.1 **during each dynamite spray tower blasting event** shall be monitored as follows:
- 10.9.6.1 A visual emission observation shall be conducted in accordance with EPA Method 9.
- 10.9.6.2 Subject to the provisions of C.R.S. 25-7-123.1 and in the absence of credible evidence to the contrary, exceedance of the limit shall be considered to exist from the time a Method 9 reading is taken that shows an exceedance of the opacity limit until a Method 9 reading is taken that shows the opacity is less than the opacity limit.
- 10.9.6.3 All Method 9 opacity observations shall be performed by an observer with current and valid Method 9 certification. Results of Method 9 readings and a copy of the certified Method 9 reader's certificate shall be kept on site and made available to the Division upon request.
- 10.9.6.4 Records of the date, time and length of each blasting event, as well as the COM data for each blasting event, shall be maintained and made available to the Division upon request.

During the inspection no visible emission issues were observed. No spray tower blasting with dynamite occurred during the inspection period. A straightening vane added to the spray tower has changed the airflow inside the tower reducing buildup and the need for blasting. All cleaning of the spray tower was conducted using cardox or spray cannons as reported in quarterly reports received by the Division. Cemex is monitoring opacity during startup, shutdown, process modifications and control equipment cleaning with the COMS, as required. Cemex submits quarterly COMS reports, as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

10.10 Emissions of NO_x from the kiln (P007) shall not exceed the following limitations:

- 10.10.1 Annual emissions of NO_x (in tons/year) shall not exceed the limits listed in the above summary table. (Construction Permit 12BO444-2, revised according to Section I, Condition 1.3, to revise the NO_x emission limits (removed lb/hr limit))
- 10.10.2 Emissions of NO_x shall not exceed 1.85 lb/ton clinker, on a 30-day rolling average. (As provided for under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate NO_x limits required by the Consent Decree entered into the federal District Court for the District of Colorado, No. 09-cv-0019-MEK-MEH, paragraph 30. The CD, at paragraph 30, requires the permit to include the NO_x limit)

Compliance with the NO_x limits shall be monitored using the NO_x CEMS required by Condition 10.15, as follows:

- 10.10.3 For purposes of monitoring compliance with the emission limit in Condition 10.10.1, for any hour in which the kiln is operating, the permittee shall program the DAHS to calculate lb/hr NO_x emissions in accordance with the requirements in Condition 18.1.1.3.b and 40 CFR Part 60.

Specifically hourly mass NO_x emissions (in lb/hr) shall be calculated using the following equation:

$$E_h = K \times C_h \times Q_h \times 60 \text{ minutes/hr} \times [1 - (B_{wo}/100)]$$

Where: E_h = mass emissions (lb/hr)
 C_h = NO_x concentration, dry basis, ppm
 Q_h = volumetric flow rate, wet basis, scfm
 $K = 1.194 \times 10^{-7}$ (lb/scf)/ppm
 B_{wo} = gas moisture, %

The resulting NO_x lb/hr value is then multiplied by the unit operating time for that hour to produce a NO_x lbs value. Hourly NO_x mass emissions (lbs) shall be summed and divided by 2000 lbs/ton to determine monthly NO_x emissions (in tons).

Monthly emissions shall be used in a rolling twelve month total to monitor compliance with the annual limitation. Each month a new twelve month total shall be calculated using the previous twelve months data.

- 10.10.4 Upon the compliance deadline for the annual NO_x emission limitation in Condition 10.22.1 (Regional Haze NO_x limits), compliance with the NO_x emission limitations in Condition 10.10.1 shall, in the absence of credible evidence to the contrary, be presumed as long as the monitoring conducted in accordance with the requirements in Condition 10.22.3 (Regional Haze NO_x monitoring) indicates compliance with the NO_x emission limitations in Condition 10.22.1 (Regional Haze NO_x limits).
- 10.10.5 For purposes of monitoring compliance with the emission limit in Condition 10.10.2, the 30 day rolling average NO_x emission rate, in lbs NO_x/ton clinker, at the Lyons Kiln for an operating day and the previous 29 operating days shall be calculated in accordance with the following procedure. (paragraph 7.a of CD No. 09-cv-0019-MEK-MEH). Note that NO_x mass emissions (in lbs) shall be determined as specified in Condition 10.10.3 and clinker produced shall be determined as required by Condition 10.1.
- 10.10.5.1 Sum the total pounds of NO_x emitted from the Lyons Kiln Main Stack during an operating day and the previous 29 operating days, as measured by the NO_x CEMS (required by Condition 10.15).
- 10.10.5.2 Sum the total tons of clinker produced by the Lyons Kiln during the same operating day and the previous 29 operating days shall be summed.
- 10.10.5.3 Divide the total number of pounds of the specified pollutant (NO_x) emitted from the Lyons Kiln during the 30 operating days referred to above by the total tons of clinker produced during the same 30 operating days.
- 10.10.5.4 A new 30-day rolling average NO_x emission rate shall be calculated for each new operating day. Each 30-day rolling average NO_x emission rate shall include all NO_x emissions from the Lyons Kiln Main Stack during all periods of kiln operation on any kiln operating day, including emissions from each startup, shutdown, or malfunction.
- 10.10.6 For purposes of the emission limit in Condition 10.10.2 and the monitoring method specified in Condition 10.10.5, as operating day shall mean any day that on which kiln operations occurs. (paragraph 7.bb of CD No. 09-cv-0019-MEK-MEH) Kiln operation shall have the meaning provided for in Condition 10.20.3.

The source monitors NO_x emissions from the kiln with a certified CEMS, as required. Cemex submits quarterly CEMS reports, as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

10.11 Emissions of CO **from the kiln (P007)** shall not exceed the limit listed in the above summary table. (Construction Permit 12BO444-2, revised according to Section I, Condition 1.3, to revise the CO emission limits (removed lb/hr limit)). Compliance with the CO annual emission limit shall be monitored using the CO CEMS required by Condition 10.15, as follows:

For any hour in which the kiln is operating, the permittee shall program the DAHS to calculate lb/hr CO emissions in accordance with the requirements in Condition 18.1.1.3.b and 40 CFR Part 60.

Specifically hourly mass CO emissions (in lb/hr) shall be calculated using the following equation:

$$E_h = K \times C_h \times Q_h \times 60 \text{ minutes/hr} \times [1 - (B_{wo}/100)]$$

Where: E_h = mass emissions (lb/hr)
 C_h = CO concentration, dry basis, ppm
 Q_h = volumetric flow rate, wet basis, scfm
 $K = 7.267 \times 10^{-8}$ (lb/scf)/ppm
 B_{wo} = gas moisture, %

The resulting CO lb/hr value is then multiplied by the unit operating time for that hour to produce a CO lbs value. Hourly CO mass emissions (lbs) shall be summed and divided by 2000 lbs/ton to determine monthly CO emissions (in tons).

Monthly emissions shall be used in a twelve month rolling total to monitor compliance with the annual limitations. Each month, a new twelve month total shall be calculated using the previous twelve months data.

The source monitors CO emissions from the kiln with a certified CEMS, as required. The source reported excessive CO monitor downtime (8.769%; 99 hours down of 1129 operating hours) from the kiln CEMS due to a failed RATA from Friday 8/16/2019 – Tuesday 8/20/2019. It was determined by the inspector during the inspection records review that this amount of downtime is a violation. The source failed to monitor CO using the CO CEMS as required. (Not In Compliance)

10.12 Emissions of SO₂ **from the kiln (P007)** shall not exceed the limits listed in the above summary table. (Construction Permit 12BO444-2, revised according to Section I,

Condition 1.3, to revise the NO_x, CO, and VOC emission limits). Compliance with the SO₂ annual emission limit shall be monitored using the SO₂ CEMS required by Condition 10.15 as follows:

- 10.12.1 For any hour in which fuel is combusted in the unit, the permittee shall program the DAHS to calculate lb/hr SO₂ emissions in accordance with the requirements in Condition 18.1.1.3.b of this permit and the requirements in 40 CFR Part 60.

Specifically hourly mass SO₂ emissions (in lb/hr) shall be calculated using the following equation:

$$E_h = K \times C_h \times Q_h \times 60 \text{ minutes/hr} \times [1 - (B_{wo}/100)]$$

Where: E_h = mass emissions (lb/hr)
 C_h = SO₂ concentration, dry basis, ppm
 Q_h = volumetric flow rate, wet basis, scfm
 $K = 1.660 \times 10^{-7}$ (lb/scf)/ppm
 B_{wo} = gas moisture, %

The resulting SO₂ lb/hr value is then multiplied by the unit operating time for that hour to produce a SO₂ lbs value. The hourly SO₂ lbs values shall be used as follows:

- 10.12.1.1 For use in assessing compliance with the facility wide SO₂ limit in Condition 10.13, hourly SO₂ mass emissions (lbs) shall be summed to determine daily SO₂ emissions.
- 10.12.1.2 For use in assessing compliance with the annual SO₂ emission limit in Condition 10.12, Hourly SO₂ mass emissions (lbs) shall be summed and divided by 2000 lbs/ton to determine monthly SO₂ emissions (in tons). Monthly emissions shall be used in a rolling twelve month total to monitor compliance with the annual limitation. Each month a new twelve month total shall be calculated using the previous twelve months data.
- 10.12.2 Upon the compliance deadline for the annual SO₂ emission limitation in Condition 10.22.1.2 (Regional Haze SO₂ limits), compliance with the SO₂ emission limitations in Condition 10.12 shall, in the absence of credible evidence to the contrary, be presumed as long as the monitoring conducted in accordance with the requirements in Condition 10.22.3 (Regional Haze SO₂ monitoring) indicates compliance with the SO₂ emission limitations in Condition 10.22.1.2 (Regional Haze SO₂ limits).

The source monitors SO₂ emissions from the kiln with a certified CEMS, as required. Cemex submits quarterly CEMS reports, as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

10.13 **Facility Wide Limit** Sulfur dioxide emissions shall not exceed 7 pounds per ton of material (including fuel) processed. This emission limit shall be calculated over each 24-hour period that commences at midnight. If the source does not operate for the entire 24-hour period, the actual hours of operation shall be used as the averaging time. At no time shall the averaging time be greater than 24 hours. (Construction Permit 12BO444-2 and Colorado Regulation No. 1, Section VI.A.3.f.).

Compliance with the facility wide limit shall be monitored using the daily SO₂ emission data from the CEMS (as required by Condition 10.12.1.1) and actual material throughputs recorded under Conditions 10.3 and 10.4, the relevant information recorded for the dryer (see Condition 5.2), and any other information necessary from any other sources emitting sulfur dioxide at this facility.

The owner or operator of the affected source shall maintain all data used to show compliance with this emission standard for a period of two years for sources not subject to the operating permit program and five years for sources subject to the operating permit program. This data shall be available for inspection by the division upon request. (Colorado Regulation No. 1, Section VI.A.3.f)

The source monitors SO₂ emissions from the kiln with a certified CEMS. The source provided a Facility Wide Limit Sulfur dioxide emissions pounds per ton of material (including fuel). The highest 24-hour period of daily NO_x pounds per ton of material (including fuel) processed emissions noted during the inspection period is in the table above. (In Compliance)

10.14 Emissions of VOC **from the kiln (P007)** shall not exceed the limits listed in the above summary table. (Construction Permit 12BO444-2, revised according to Section I, Condition 1.3, to revise the VOC emission limits (removed lb/hr limit)). Compliance with the VOC emission limit shall be monitored as follows:

10.14.1 Performance testing for VOC shall be performed once during each calendar year, in accordance with the requirements and procedures set forth in the appropriate EPA Test Method. The length of time between each test shall be at least six months. Test results shall be used to monitor compliance with the annual limit (tons per year limitation) and converted to units of lbs/ton feed, for use in subsequent emission calculations. The emission factor (in lb/ton feed) determined from the performance test shall be used to calculate emissions are required by Condition 10.14.2.

Testing shall be performed for each proposed fuel type, except natural gas. No testing is required if natural gas is the only fuel used during the calendar year. Alternatively, the permittee may test using the worst case VOC emitting fuel,

and shall then use this emission rate to estimate VOC emissions from all fuels for that year.

If TDF is used as fuel, performance testing will be required as specified in Condition 10.8.1.

For purposes of assessing compliance with the annual emission limitations in Condition 10.14, the results of the test shall be converted to a lb/hr basis and multiplied by the allowable operating hours (8,064 hrs/yr).

A stack testing protocol shall be submitted for Division approval at least thirty (30) calendar days prior. The test protocol, test, and test report must be in accordance with the requirements of the APCD Compliance Test Manual (<https://www.colorado.gov/pacific/cdphe/inspections-and-enforcement>). A stack testing protocol shall be submitted for Division approval at least forty-five (45) calendar days prior to any performance of the test required under this condition. No stack test required herein shall be performed without prior approval of the protocol by the Division. The Division reserves the right to witness the test. In order to facilitate the Division's ability to make plans to witness the test, notice of the date(s) for the stack test shall be submitted to the Division at least thirty (30) calendar days prior to the test. The Division may for good cause shown, waive this thirty (30) day notice requirement. In instances when a scheduling conflict is presented, the Division shall immediately contact the permittee in order to explore the possibility of making modifications to the stack test schedule. The compliance test results shall be submitted to the Division within forty-five (45) calendar days of the completion of the test unless a longer period is approved by the Division.

The source performs annual stack testing to determine annual VOC emissions. The source uses the results of the stack testing to calculate annual VOC emissions from the main kiln stack with emission factors. No TDF have been used during the inspection period. The most recent stack tests was conducted on 8/16/2019. It should be noted that the source has installed, certified (9/8/2015) and maintains a THC CEMS to demonstrate compliance with the THC MACT Standards (THC – 24 ppmvd, corrected to 7% O₂) and the total organic HAP limit. The THC CEMS is not used annual tons/year limit (source performs annual stack testing to determine annual VOC emissions). See condition 22. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 10.14.2 Monthly emissions shall be calculated by the end of the subsequent month using the emission factors from the most recent performance test and the monthly quantity of feed to the kiln. Monthly emissions shall be used in a rolling twelve month total to monitor compliance with the annual emission imitations. Each month a new twelve month total will be calculated using the previous twelve months data.

The source most recently conducted a VOC stack test 8/16/2019 that was approved by the Division. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

10.15 These sources are subject to the following requirements for continuous monitoring systems:

10.15.1 **For the kiln (P007)**, the source shall install, certify and operate continuous emission monitoring (CEMS) equipment for measuring opacity, SO₂, NO_x (including diluent gas either CO₂ or O₂), CO, and volumetric flow (Construction Permit 12BP0444-2, Colorado Regulation No. 3, Part F, Sections VII.B.1.b and VII.C.2.a (for SO₂, NO_x and opacity) and paragraph 11 of Consent Decree (09-cv-0019-MEK-MEH) filed on April 19, 2013 (for NO_x)).

10.15.2 **For the clinker cooler (S017)**, the source shall install, certify and operate a continuous opacity monitoring system (COMS).

The CEMS and COMS shall meet the requirements in Condition 18.

The source maintains and operates continuous monitor systems to monitor and track emissions of NO_x, SO₂ (including diluent gas), CO, opacity and flow from the kiln and opacity from the clinker cooler exhaust stream. The CEMS and COMS meet the requirements in Condition 18. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

10.16 Emissions of lead **from the kiln (P007)** shall not exceed the limits shown in the above summary table. (Construction Permit 12BO441-2, as modified under the provisions of Section I, Condition 1.3) Compliance with the annual limitations shall be monitored as follows:

10.16.1 Performance testing for lead shall be performed every five years in accordance with the requirements and procedures set forth in appropriate EPA Test Methods. Test results shall be used to monitor compliance with the annual (tons per year limitation) and converted to units of lbs/ton feed, for use in subsequent emission calculations. The emission factor (in lb/ton feed) determined from the performance test shall be used to calculate emissions are required by Condition 10.16.2.

Note that the previous performance test for lead was conducted on April 6, 2011.

Testing shall be performed for each proposed fuel type, except natural gas. No testing is required if natural gas is the only fuel used during the calendar year. Alternatively, the permittee may test using the worst case VOC emitting fuel, and shall then use this emission rate to estimate VOC emissions from all fuels for that year.

If TDF is used as fuel, performance testing will be required as specified in Condition 10.8.1.

For purposes of assessing compliance with the annual emission limitations in Condition 10.16, the results of the test shall be converted to a lb/hr basis and multiplied by the allowable operating hours (8,064 hrs/yr).

A stack testing protocol shall be submitted for Division approval at least thirty (30) calendar days prior. The test protocol, test, and test report must be in accordance with the requirements of the APCD Compliance Test Manual (<https://www.colorado.gov/pacific/cdphe/inspections-and-enforcement>). A stack testing protocol shall be submitted for Division approval at least forty-five (45) calendar days prior to any performance of the test required under this condition. No stack test required herein shall be performed without prior approval of the protocol by the Division. The Division reserves the right to witness the test. In order to facilitate the Division’s ability to make plans to witness the test, notice of the date(s) for the stack test shall be submitted to the Division at least thirty (30) calendar days prior to the test. The Division may for good cause shown, waive this thirty (30) day notice requirement. In instances when a scheduling conflict is presented, the Division shall immediately contact the permittee in order to explore the possibility of making modifications to the stack test schedule. The compliance test results shall be submitted to the Division within forty-five (45) calendar days of the completion of the test unless a longer period is approved by the Division.

10.16.2 Monthly emissions shall be calculated by the end of the subsequent month using the emission factor in the table below and the monthly quantity of feed to the kiln. Monthly emissions shall be used in a rolling twelve month total to monitor compliance with the annual emission imitations. Each month a new twelve month total will be calculated using the previous twelve months data.

Pollutant	Emission Factor	Source
Kiln		
Lead ¹	9.17 x 10 ⁻⁶ lbs/ton feed	April 2011

¹The emission factors in this table represent the emission factors from the most recent stack test. The permittee shall use emission factors from the most recent stack test to calculate emissions.

Emission calculations are not required for any twelve month period for which only natural gas was used as fuel for the kiln. In these cases, compliance with the annual limitations is presumed, in the absence of credible evidence to the contrary.

- 10.16.3 Baghouses shall be operated and maintained in accordance with the requirements in Condition 19.

The source reported the most recent stack test for lead from the kiln was conducted on 8/31/2016 and the emission factors from the most recent performance test are used in a rolling twelve month total. Another stack test for lead will be required August 2021. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 10.17 This source shall utilize Reasonably Available Control Technology (RACT) for VOC emissions (Colorado Regulation No. 7, II.C). Operation of this kiln and clinker cooler as designed represents RACT. Any modification of the design shall require a new RACT determination and modification or reopening of this permit.

The source operates the kiln and clinker cooler as designed. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 10.18 These sources are subject to the requirements in 40 CFR Part 63 Subpart LLL as set forth in Condition 22 of this permit.

See Condition 22.

- 10.19 The precalciner-kiln (S016) is subject to the CAM requirements set forth in Condition 23 of this permit.

See Condition 23.

- 10.20 The following requirements apply to operation of the non-selective catalytic reduction unit. (As provided for under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate the SNCR operating requirements of the Consent Decree entered into the federal District Court for the District of Colorado, No. 09-cv-0019-MEK-MEH. The CD, at paragraph 30, requires the permit to include the SNCR operating requirements.)
- 10.20.1 An ammonia injection meter must be installed, calibrated, and operated in accordance with good engineering practices and manufacturer's recommendations. Except during breakdowns, repairs, calibration checks, and zero and span adjustments, the permittee shall capture and record data from the ammonia injection meter. (paragraph 15 of CD No. 09-cv-0019-MEK-MEH)
- 10.20.2 The SNCR system and ammonia injection meter shall be operated at all times of Lyons Kiln Operation, except as provided for in Conditions 10.20.2.1 and 10.20.2.2, consistent with the technological limitations (including but not limited to the gas temperature at the point of ammonia injection), manufacturer's specifications, and good engineering and maintenance practices for such pollution control technology and the Lyons Kiln, and good air pollution control practices for minimizing emissions. (paragraph 7.m of CD No. 09-cv-0019-MEK-MEH)
- 10.20.2.1 Malfunctions of the pollution control, emissions monitoring or ammonia metering technology, or
- 10.20.2.2 Metering or monitoring equipment repairs, calibration checks, and zero and span adjustments, or
- 10.20.2.3 When baseline ammonia is being established or reestablished per Paragraph 12.
- 10.20.3 "Kiln Operation", shall mean with respect to the Lyons Kiln (P007, AIRS pt 007) any period when any raw materials are fed into the Lyons Kiln or any period when any combustion is occurring or fuel is being fired in the Lyons Kiln. (paragraph 7.v of CD No. 09-cv-0019-MEK-MEH)

The source operates a non-selective catalytic reduction unit. The source reported the control devices is inspected, monitored, maintained / renewed, and operated as per the manufacturers' recommendations, or maintained in accordance with good air pollution control practices to ensure the satisfactory performance of the devices. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

10.21 Prohibitions on Netting Credits or Offsets from Required Controls

- 10.21.1 Emission reductions resulting from compliance with the requirements of this Consent Decree shall not be considered as a creditable contemporaneous emission decrease for the purpose of obtaining a netting credit or offset under the Clean Air Act's Non-attainment NSR and PSD programs. (As provided for under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate paragraph 26 of the Consent Decree entered into the federal District Court for the District of Colorado, No. 09-cv-0019-MEK-MEH. The CD, at paragraph 30, requires the permit to include the prohibition of netting credits or offsets)
- 10.21.2 The limitations on the generation and use of netting credits or offsets set forth in Paragraph 26 (Condition 10.21.1) do not apply to emission reductions achieved by CEMEX at the Lyons Kiln Main Stack that are greater than those required under this Consent Decree. For purposes of this Paragraph, emission reductions are greater than those required under this Consent Decree if they result from CEMEX's compliance with enforceable emission limitations that are more stringent than the limits imposed under this Consent Decree, applicable provisions of the Clean Air Act, and the Colorado SIP, and the emission reductions resulting from the more stringent emission limits are made "creditable" within the meaning of, and as required by, the Colorado SIP. (As provided for under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate paragraph 27 of the Consent Decree entered into the federal District Court for the District of Colorado, No. 09-cv-0019-MEK-MEH. The CD, at paragraph 30, requires the permit to include the prohibition of netting credits or offsets)
- 10.21.3 Nothing in this Consent Decree is intended to preclude the emission reductions generated under this Decree from being considered by EPA as creditable contemporaneous emission decreases for the purpose of attainment demonstrations submitted pursuant to Section 110 of the Act, 42 U.S.C. § 7410, or in determining impacts on National Ambient Air Quality Standards, PSD increments, or air quality-related values, including visibility in a Class I area. (As provided for under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate paragraph 28 of the Consent Decree entered into the federal District Court for the District of Colorado, No. 09-cv-0019-MEK-MEH. The CD, at paragraph 30, requires the permit to include the prohibition of netting credits or offsets)

This condition is informational only, it does not have any actionable items nor does it require the source to provide any records to demonstrate compliance. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this condition. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

10.22 The kiln is subject to the following Regional Haze Requirements:

10.22.1 Emission Limitations (Colorado Regulation No. 3, Part F, Section VI.A.2)

10.22.1.1 NO_x emissions shall not exceed 255.3 lb/hr, on a 30-day rolling average and 901.0 tons/year, on a 12-month rolling average.

10.22.1.2 SO₂ emissions shall not exceed 25.3 lbs/hr, on a 12-month rolling average and 95.0 tons/year, on a 12-month rolling average.

10.22.1.3 Opacity shall not exceed 20%.

10.22.2 Compliance Date

10.22.2.1 The permittee must comply with the above limits and averaging times as expeditiously as practicable, but in no event later than five years after EPA approval of Colorado's state implementation plan for regional haze, or relevant component thereof. The permittee must maintain control equipment or operational practices required to comply with the above limits and averaging times, and establish procedures to ensure that such equipment or operational practices are properly operated and maintained. (Colorado Regulation No. 3, Part F, Section IV.A.3)

10.22.2.2 The permittee shall submit to the Division a proposed compliance schedule within sixty days after EPA approves the BART portion of the Regional Haze SIP. The Division shall publish these proposed schedules and provide for a thirty-day public comment period following publication. The Division shall publish its final determinations regarding the proposed schedules for compliance within sixty days after the close of the public comment period and will respond to all public comments received. (Colorado Regulation No. 3, Part F, Section IV.A.4)

The Division issued a determination on October 1, 2013 which specified the following compliance dates:

- a. NO_x – December 31, 2017
- b. SO₂ – December 31, 2017
- c. PM – May 15, 2014

10.22.3 SO₂ and NO_x Monitoring Requirements.

10.22.3.1 At all times after the compliance deadline specified in Regulation Number 3, Part F, Section VI.A.3., or VI.B.3. (Condition 10.22.2), the owner/operator of each BART or RP unit shall maintain, calibrate and operate a CEMS in full compliance with the requirements in 40 CFR Part 60 Section 60.13 and Part 60

Appendices A, B and F to accurately measure SO₂, NO_x and diluents, if diluent is required. The CEMS shall be used to determine compliance with the SO₂ and NO_x Regional Haze emission limits for each such unit. For particular units, such limits are expressed in units of pounds per hour, tons per year, pounds per ton clinker or pounds per million Btu. The owner/operator shall calculate emissions in the applicable units. In determining compliance with the SO₂ and NO_x Regional Haze limits, all periods of emissions shall be included, including startups, shutdowns, emergencies and malfunctions. (Colorado Regulation No. 3, Part F, Section VII.B.1.b)

10.22.3.2 For any hour in which fuel is combusted in the BART or RP unit, the owner/operator shall calculate hourly NO_x and SO₂ emissions in the appropriate units (lbs/hr) or (lbs/MMbtu) in accordance with the provisions in 40 CFR Part 60. These hourly values shall be used to determine compliance in accordance with the particular limits averaging time (Colorado Regulation No. 3, Part F, Section VII.B.1.b.(i)), as follows:

- a. Pounds per Hour or Pounds per Million Btu Regional Haze Limits on a 30-day rolling average. Before the end of each operating day, the owner/operator shall calculate and record the 30-day rolling average emission rate in lb/MMBtu or lb/hr from all valid hourly emission values from the CEMS for the previous 30 operating days. (Colorado Regulation No. 3, Part F, Section VII.B.1.b.(i)(1))
- b. Pounds per Hour on a 12-month rolling average. Before the end of each month, the owner/operator shall calculate and record the 12-month rolling average emission rate in lb/hr from all valid hourly emission values from the CEMS for the previous 12 months. (Colorado Regulation No. 3, Part F, Section VII.B.1.b.(i)(2))
- c. Tons per year Regional Haze Limits on a 12-month rolling average. Before the end of each month, the owner/operator shall calculate and record the total emissions in tons/yr from all valid hourly emission values from the CEMS for the previous 12 months. (Colorado Regulation No. 3, Part F, Section VII.B.1.b.(i)(3))

The source maintains and operates continuous monitor systems to monitor and track emissions of NO_x, SO₂, opacity and flow from the kiln. During the inspection no visible emissions issues were observed. Cemex is monitoring opacity during startup, shutdown, process modifications and control equipment cleaning with the COMS, as required. Cemex submits quarterly CEMS reports, as required. (In Compliance)

10.22.4 Opacity Monitoring

10.22.4.1 In order to monitor compliance with the opacity limit, the owner or operator shall install, calibrate, maintain, and continuously operate a COM located at the outlet of the PM control device to continuously monitor opacity. The COM shall be installed, maintained, calibrated, and operated as required by 40 CFR Part 63, Subpart A, and according to PS-1 of 40 CFR Part 60, Appendix B. (Colorado Regulation No. 3, Part F. Section VII.C.2.a) Note that the Division considers that the requirements in 40 CFR Part 60 Subpart A are equivalent and thus is requiring that the COM meet those requirements.

The opacity monitoring system shall meet the requirements in Condition 18.

The source maintains and operates COMS to monitor and track opacity from the kiln. The COMS meet the requirements in Condition 18. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

11. P009 – Clinker and Gypsum/Additive Silos and Weigh Feeders (Storage and Transfer to Finish Mill), P010 - Sheltered (A-Frame) Clinker Storage and Reclaim, P015 - Outdoor Clinker Piles and Handling, P012 and P011 – Cement Finish Mill and Auxiliaries and P013 – Cement Silos/Packhouse/Loadout

AIRs pt 009 (P009): S021 – Top of A Frame (belt 529-30 to 529-63), S026, S027, S029, S030, S031 – Weigh Feeders 1, 2, 4, 5 and 6, S032 – Bottom of A-Frame Transfer, S024 - #2 Clinker Silo, S038 – Surge Bin, S035 – Discharge of 629-3 Belt, S039 - S041 – Finish Mill Weigh Feeders, S038 – Surge Bin , and S033 - Gypsum/Limestone from 529-31 belt to Silos

AIRs pt 010 (P010): S034 - #6 Reclaim Feeder and S051 - Top of A Frame from 529-9 belt to 529-30 belt

AIRs pt 015 (P015): Outdoor Hot Clinker Pile

AIRs pt 011 (P011): S036 – Finish Mill, S037 – Finish Mill Auxiliary Dust Collector and Grinding and Limestone Handling

AIRs pt 031 (P012): S065 – Finish Mill Separator and S069Clinker Baghouse Dust to Finish Mill (SEP project)

AIRs pt 013 (P013) – S043 – Cement Storage Silos A10 and A13, S044 – Cement Storage Silo A7, S045 – Cement Finish Silo A2, S046 - Packhouses East and West (loading spouts) and S048 - Recirculating System

Parameter	Permit Condition Number	Limitations		Emission Factors	Monitoring	
					Method	Interval
Process Rate	11.1	P009	Clinker and Additives Handled: 600,000 tons/year 4,000 tons/day		Recordkeeping	Monthly
		P010	Clinker Handled: 600,000 tons/year 5,500 tons/day			
		P015	Maximum Clinker Stored: 120,000 tons Clinker Handled: 180,000 tons/year 5,500 tons/day			



Parameter	Permit Condition Number	Limitations		Emission Factors	Monitoring	
					Method	Interval
		P011	Overall Fresh Feed to Mill: 631,600 tons/year 4,500 tons/day 15,000 tons/year limestone			
Process Limits	11.1	P012	Cement Produced: 631,600 tons/year 4,500 tons/day SEP baghouse clinker dust handled: 161,280 tons/yr		Recordkeeping	Monthly
		P013	Cement Handled: 681,600 tons/year (includes 50,000 tons/yr imported cement) 4,500 tons/day			
Operating Hours	11.2	8,064 hours/year			Recordkeeping	Monthly
Days of Operation	11.3				Recordkeeping	Monthly
PM and PM ₁₀	11.4	P009	PM: 9.3 tons/year	See Condition 11.4.2	Baghouse Operation and Maintenance	See Condition 11.4.1
			PM ₁₀ : 4.65 tons/year, 52 lbs/day			
		P010	PM: 21.96 tons/year			
			PM ₁₀ : 10.98 tons/year, 201 lbs/day			
		P011	PM: 17.05 tons/year			
			PM ₁₀ : 8.65 tons/year 48 lbs/day			
					Recordkeeping and Calculation	Monthly



Parameter	Permit Condition Number	Limitations		Emission Factors	Monitoring				
					Method	Interval			
		P012	PM: 21.9 tons/year		Performance Tests	Every Five (5) Years			
			PM ₁₀ : 10.95 tons/year 107 lbs/day						
		P013	PM: 12.3 tons/year						
			PM ₁₀ : 6.2 tons/year 43 lbs/day						
		P015	PM: 2.05 tons/year				PM: 3.8 lb/VMT PM ₁₀ : 1.7 lb/VMT & 80% control	Recordkeeping and Calculation	Monthly
			PM ₁₀ : 0.92 ton/year 78 lbs/day						
		0.3 mile one way haul distance							
Opacity	11.5	Shall not exceed 20%, except as provided for below			Visible Emission Observation Method 9	Daily If Required (See Conditions 16.1.1.2 and 20.5.1)			
		Certain Operating Conditions - Shall not exceed 30%							
Fugitive Particulate Emissions	11.6				Inspection	Weekly			



Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
NSPS Subpart F Opacity	11.7	Less than 10%		Method 22	S036 & S065 - Daily All Others - Monthly to Annually
CAM	11.8	See Condition 23 (S024, S034, S036, S037, S044, S045 & S046 only)			
MACT Requirements	11.9			See 40 CFR Part 63 Subpart LLL (Condition 22)	
		Outdoor Clinker Storage		See Condition 22.5	
		O & M Plan Requirements		See Conditions 22.10 and 22.11	

Compliance Status: P009 - Clinker/Gypsum Silos and Weigh Feeders

P010 - Sheltered Clinker Storage Stockpile with Underground Reclamation

P015 - Outdoor Clinker Storage, and Handling of Clinker with Front End Loaders (formerly 10A)

P011 - Cement Finish Mill and Bucket Elevator/Auxiliaries

P012 - High Efficiency Separator (Classifier) and Baghouse Collector

P013 - Cement Storage Silos/Packhouse/Loadout

Parameter	Source	Limitations	Reported Data
Process Limits	P009	600,000 tons/yr	319,473 tons
		4,000 tons/day	1,119 tons/day
	P010	600,000 tons/yr	326,254 tons
		5,500 tons/day	1,119 tons/day
	P015	180,000 tons/yr	32,625 tons
		5,500 tons/day	111.91 ton/day
	P011	631,600 tons/yr	339,767 tons
		4,500 tons/day	1,196 tons/day
		15,000 tons/yr (limestone)	6,333 tons
	P012	631,600 tons/yr	249,747 tons
		4,500 ton/day	2,796 tons/day
		161,280 tons/yr (SEP baghouse)	147,360 tons
	P013	681,600 tons/yr	349,215 tons
		4,500 ton/day	1,435 tons/day
Operating Hours		8,064 hrs/yr	5,991 hrs



Parameter	Source	Limitations	Reported Data
PM	P009	9.3 tons/yr	4.12 tons
	P010	21.96 tons/yr	12.30 tons
	P011	17.05 tons/yr	9.03 tons
	P012	21.9 tons/yr	11.71 tons
	P013	12.3 tons/yr	2.00 tons
	P015	2.05 tons/yr	1.24 tons
PM ₁₀	P009	4.65 tons/yr	2.07 tons
		52 lbs/day	14.44 lbs/day
	P010	10.98 tons/yr	6.15 tons
		201 lbs/day	38.02 lbs/day
	P011	8.65 tons/yr	4.29 tons
		48 lbs/day	29.54 lbs/day
	P012	10.95 tons/yr	5.85 tons
		107 lbs/day	40.29 lbs/day
	P013	6.2 tons/yr	1.01 tons
		43 lbs/day	8.28 lbs/day
	P015	0.92 tons/yr	0.11 tons
		78 lbs/day	1.24 lbs/day

Cemex provided the Reported Data above for the rolling 12-month period ending 4/30/2020. The emissions are calculated based on daily, monthly and yearly material throughputs.

- 11.1 The amount of clinker, cement and other materials handled shall not exceed the limits listed in the table above (Construction Permit 98BO0259, as modified under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part B Section II.A.6 and Part C, Section X, to add throughput limit to P012 for SEP baghouse as specified in August 19, 2008 submittal). The quantity of materials handled through each emission group shall be monitored and recorded monthly. Any information used to determine the monthly quantities of material handled shall be maintained and made available upon request. Monthly quantities of material handled shall be used in a twelve month rolling total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months' data.

Compliance with the daily throughput limits shall be monitored by dividing the monthly quantity of material handled through the emission group by the monthly number of days of operation for that emission group.

Cemex is tracking the amount of clinker handled daily, monthly, and rolling 12-month total as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 11.2 Annual hours of operation shall not exceed 8,064 (Construction Permit 98BO0259). Hours of operation shall be monitored and recorded monthly. Monthly hours of operation shall be used in a twelve month rolling total to monitor compliance with the annual limitation. Each month a new twelve month total shall be calculated based on the previous twelve months' data. Records of monthly and twelve month totals of operating hours shall be kept on-site and made available for inspection upon request.

Cemex is tracking the hours of operation on a daily, monthly, and rolling 12-month total as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 11.3 Days of operation for these emission groups shall be monitored and recorded monthly. If any unit within an emission group operates during a day, that day counts as a day of operation. Days of operation shall be used to determine daily throughput and emissions as specified in Conditions 11.1 and 11.4.2.

Days of operation are used to determine daily throughput and emissions. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 11.4 PM and PM₁₀ emission rates shall not exceed the limits listed in the above summary table (Construction Permit 98BO0259, as modified under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part B Section II.A.6 and Part C, Section X, to increase emission limit for P012 for SEP baghouse per August 19, 2008 submittal and P009 to address S021 and S033 (APEN submitted 2/20/13)). Compliance with the PM and PM₁₀ emission limits shall be monitored as follows:

11.4.1 **For all sources except P015**, the baghouses shall be operated and maintained in accordance with the requirements in Condition 19.

11.4.2 **For all sources except P015**, monthly emissions shall be calculated by the end of the subsequent month using the PM and PM₁₀ emission factors described in the paragraphs below (in gr/dscf), hours of operation (as required by Condition 11.2) and the maximum design flow rate of the baghouses (see table below).

Note that the maximum design flow rate shall be converted to dry standard cubic feet for use in the emission calculations. The permittee shall maintain

records of actual stack temperature and pressure for this conversion and shall make this information available to the Division upon request.

For all but BH 725-28 (S069/SEP baghouse): The PM and PM₁₀ emission factor for any baghouse, within an emission group that has been performance tested shall be the results of the most recent performance test. The PM and PM₁₀ emission factor for any baghouse within an emission group that has not been performance tested, shall be the results of the most recent performance test for any baghouse within that emission group that has been performance tested.

For BH 725-28 (S069/SEP baghouse): The PM and PM₁₀ emission factor shall be the baghouse grain loading specified in the table below. Since BH 725-28 is located and vents inside a building performance testing is not required for this baghouse.

Monthly emissions of PM and PM₁₀ shall be used in a rolling twelve month total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months' data.

Emission Group	Stack ID/ Baghouse ID	Baghouse Grain Loading (gr/dscf)		Design Flow Rate (ACFM)	Stack ID/ Baghouse ID	Baghouse Grain Loading (gr/dscf)		Design Flow Rate (ACFM)
		PM	PM ₁₀			PM	PM ₁₀	
P009	S024/BH 625-12	0.0233	0.0117	2,000	S031/BH 625-9	0.0233	0.0117	1,000
	S038/BH 725-5	0.0233	0.0117	1,000	S035/BH 625-14	0.0233	0.0117	1,000
	S026/BH 625-4	0.0233	0.0117	1,000	S039/BH 725-6	0.0233	0.0117	1,000
	S027/BH 625-5	0.0233	0.0117	1,000	S040/BH 725-7	0.0233	0.0117	1,000
	S029/BH 625-7	0.0233	0.0117	1,000	S041/BH 725-8	0.0233	0.0117	1,000
	S030/BH 625-8	0.0233	0.0117	1,000	S032/BH 625-10	0.0233	0.0117	2,000
	S021/BH 525-15	0.0233	0.0117	1,000	S033BH 625-11	0.0233	0.0117	1,000
P010	BH 625-15	0.0146	0.0073	45,000	S051/BH 525-17	0.0146	0.0073	10,000
P011	BH 725-2	0.0215	0.0102	18,200	S037BH 725-3	0.0215	0.0102	14,300
P012/031*	S065/ BH-725-10/ 11	0.0058	0.0029	147,060	S069/BH 725-28 (SEP BH)	0.01	0.005	1,300
P013	S043/BH 825-1	0.0239	0.0120	4,400	S046/BH 824-5	0.0239	0.0120	2,540
	S044/BH 825-2	0.0239	0.0120	4,400	S048/BH 825-6	0.0239	0.0120	1,280
	S045/BH 825-3	0.0239	0.0120	4,400	S046/BH 825-4	0.0239	0.0120	1,640

*identified in Construction Permit 95BO0259 as AIRS pt 031.

Compliance with the daily PM₁₀ emission limitations shall be monitored by dividing the monthly PM₁₀ emissions by the number of days the emission group operated during that month.

11.4.3 **For all sources except P015**, performance tests shall be conducted every five (5) years to measure the emission rates of filterable PM and PM₁₀. Performance tests shall be conducted in accordance with the appropriate EPA Test Methods.



A test shall be performed for a representative baghouse for each activity group (P009, P010, P011, P012, and P013) to monitor compliance with the grain loading (gr/scf) requirements included in the table in Condition 11.4.2. A different baghouse from each activity group shall be tested during each five year test event, unless all baghouses within the activity group have been tested or Division approval has been received for testing a baghouse that had been tested previously. Once performance tests have been conducted on all baghouses in an activity group (e.g. P009), the permittee shall repeat the process of testing a different baghouse from each activity group during each five year test event.

Note that performance tests were conducted in April and May 2011 for these sources.

Since S026 thru S032 and S038 thru S041 (baghouses within emission group P009) are located and vent inside a building, performance testing is not required for these baghouses.

For purposes of assessing compliance with the annual PM and PM₁₀ emission limitations, the results of the tests shall be converted to a gr/dscf basis and compared to the grain loading requirements included in the table in Condition 11.4.2. Any test result that indicates non-compliance with the grain loading requirements in Condition 11.4.2 shall be considered a violation of the annual emission limitation.

The protocol, test notification and submittal of test report shall meet the requirements specified in Condition 21.

11.4.4 **For P015**, compliance with the emission limits shall be monitored as follows:

11.4.4.1 Monthly emissions shall be calculated by the end of the subsequent month using the emission factors in the above summary table (from Construction Permit 98BO0259, final approval, modification No. 3, dated April 11, 2006) and the number of vehicle miles traveled during the month. Monthly emissions of PM and PM₁₀ shall be used in a rolling twelve month total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months' data.

A control efficiency of 80% can be applied to the monthly emission calculations provided the control measures in Condition 11.6.1 have been met.

11.4.4.2 Vehicle miles traveled (VMT) shall be monitored and recorded monthly for use in the emission calculations required by Condition 11.4.4.1. Logs, reports and/or other information used to record and/or determine the monthly VMT shall be maintained and made available to the Division upon request.

- 11.4.4.3 The one-way haul distance shall not exceed 0.3 miles. (Construction Permit 98BO0259). Records that demonstrate that the one-way haul distance to outdoor clinker storage meets this requirement shall be maintained and made available to the Division upon request.

Monthly PM and PM10 emissions are calculated using the appropriate emission factors. No exceedances of the permit limits have been noted. The source conducts performance tests to measure the emission rates of filterable PM and PM10 in accordance with the appropriate EPA Test Methods. The source tracks VMT for use in the emission calculations. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 11.5 **Except for P015**, these sources are subject to the opacity limits set forth in Condition 20 of this permit.

See Condition 20.

- 11.6 The activities addressed in **P015** are subject to the following fugitive particulate matter requirements:

- 11.6.1 Every owner or operator of a new source or activity that is subject to this Section III.D. and which is required to obtain an emission permit under Regulation No. 3 shall submit a fugitive particulate emission control plan meeting the requirements of this Section III.D. at such time as, and as part of, the required permit application. Such plan shall be approved or disapproved by the division in the course of acting to approve or disapprove the permit application and no emission permit shall be issued until a fugitive particulate emission control plan has been approved. (Colorado Regulation No. 1, Section III.D.1.b)

The following approved measures shall be used to control fugitive particulate matter emissions from the activities in P015. (Construction Permit 98BO0259)

A weekly inspection of the site shall be conducted to ensure the emission control elements are in place and effective. In addition, at any time when a fugitive dust problem is observed, the permittee shall take action to correct the problem. The permittee shall maintain records of the date and time of any fugitive dust problem observed, and the type and time of action taken to correct the problem. These records shall be maintained on site for inspection upon request.

- 11.6.1.1 If, at any time, visible emissions are observed to originate from

pile(s), then the pile(s) shall be watered at least once per day until a crust forms on the surface.

11.6.1.2 The permittee shall operate a water application system (such as a sprinkler system or water truck) to minimize fugitive particulate matter emissions from roads and other traffic areas, loading areas and other sources of fugitive particulate matter emissions. The water truck and/or sprinkler system shall meet the following requirements:

- a. During the day shift, the permittee shall operate the plant based water truck on full-time basis, 12 hours a day, 7 days a week. Watering shall occur according to this schedule excluding periods of freezing conditions, snow/ice covered roads, rain or a shutdown of the kiln and crushing/drying system for greater than 24 hours. As used here, the term “freezing conditions” means weather conditions severe enough to clog the water truck due to freezing. The permittee shall take reasonable precautions to prevent such freezing conditions. (Construction Permit 98BO0259 and Compliance Order on Consent 2002-124, paragraph 41.a, revised to remove statement regarding operation of the water truck is the sole assignment of individual and to remove specific measure to prevent freezing conditions.)
- b. The water truck shall be operated during nights as necessary to water such areas adequately to control particulate emissions. (As provided for in Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate Compliance Order on Consent 2002-124, paragraph 41.b. The COC, at paragraph 46 requires this requirement to be in the permit.)
- c. An automated sprinkler system shall be operated in accordance with the following requirements:
 - (i) Sprinklers will be set for 10 minutes or longer on each station. Cycle times will be set for at least one cycle every two hours, except that the permittee may reduce watering if the area becomes too wet for operations.
 - (ii) The sprinkler system shall be positioned to cover 100% of the affected area.
 - (iii) The sprinkler system shall be in service from mid-April through mid-October each year, except during rain, snow or freezing conditions.

11.6.1.3 Haul roads shall be treated with chemical dust suppressants, as often as required, to maintain a surface crust. Such controls shall achieve

a minimum control efficiency of 80%. Records of such application of dust suppressants and watering shall be maintained on site.

- 11.6.1.4 Traffic on and around storage pile(s) shall be minimized.
- 11.6.1.5 Height of fall material shall be minimized. Dust extractor used shall be in close proximity to the emission source.
- 11.6.1.6 Vehicle traffic on unpaved surfaces shall be restricted to established roadways.
- 11.6.1.7 Clinker shall be reclaimed from the storage pile(s) as soon as practicable.
- 11.6.1.8 Paved areas shall be kept clean using a high efficiency industrial sweeper.
- 11.6.1.9 Activities causing fugitive particulate matter emissions shall be suspended when wind speeds reach or exceed 30 miles per hour, averaged over a 60-minute period. Only those activities affected by wind speed, and for which it is possible to “suspend operation” need be shut down (i.e., the permittee cannot “shut down” storage piles, thus this condition would not apply to storage piles). Activities may continue when the average wind speed drops below 30 m.p.h. (Construction Permit 98BO0259, as modified per Section 1, Condition 1.3 of this permit)

The permittee shall install, calibrate, and operate a wind speed instrument which will be used to alert personnel when average wind speeds reach or exceed 30 m.p.h. The permittee shall maintain records of those dates and times when wind speed reaches or exceeds 30 m.p.h, averaged over a sixty minute period.

- 11.6.1.10 Spillages and other particulate matter accumulations shall be cleaned up with the least delay. The permittee shall operate a powered sweeper during day shift for 12 hours a day, 7 days a week to control accumulations on paved areas. Sweeping shall occur according to this schedule except under the following circumstances: wet pavement, snow/ice covered pavement, or shutdown of the kiln and crushing/drying system for greater than 24 hours. (Construction Permit 98BO0259 and Compliance Order on Consent 2002-124, paragraph 39.a, revised to remove statement regarding operation of the sweeper is the sole assignment of individual.)
- 11.6.1.11 During the night shift, the Outdoor Clinker Discharge area shall be swept or watered as necessary while diverting clinker to the pit. Sweeping and watering will occur according to this schedule except under the following circumstances: Wet pavement, snow/ice covered pavement, or during a shutdown of the crushing/drying and kiln system for greater than 24 hours. (As provided for in Section I,

Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate Compliance Order on Consent 2002-124, paragraphs 39.b and c. The COC, at paragraph 46 requires this requirement to be in the permit.

- 11.6.2 If the division determines that a source of activity which is subject to this Section III.D. (whether new or existing) is operating with emissions in excess of 20% opacity and such source is subject to the 20% emission limitation guideline; or if it determines that the source or activity which is subject to this Section III.D. is operating with visible emissions that are being transported off the property on which the source is located and such source is subject to the no off property transport emission limitation guideline; or if it determines that any source or activity which is subject to this Section III.D. is operating with emissions that create a nuisance; it shall require the owner or operator of that source or activity to submit a written plan to the division for the control of fugitive particulate emissions within the time period specified in Section III.D. Provided, however, that in the case of a source or activity which already has a control plan, the division shall review said control plan and if it determines the plan does not meet the requirements of this Section III.D. it shall require the submission of a revised control plan. (Colorado Regulation No. 1, Section II.D.1.c)

The guidelines that apply to the activities associated with P015 are as follows:

- 11.6.2.1 Storage and Handling of Materials – Both the 20% opacity and the no off-property transport emission limitation guidelines shall apply to storage and handling operations. (Colorado Regulation No. III.D.2.c.(iii))
- 11.6.2.2 Haul Roads - The no off-property transport emission limitation guideline shall apply to on-site haul roads (i.e., those located on and abutted by the property owned or under control of the owner or operator of the haul road) and the nuisance guideline shall apply to off-site haul roads (i.e., those abutted on both sides by property not owned or under the control of the owner or operator of the haul road). (Colorado Regulation No. 1, Section III.D.2.e.(iii))
- 11.6.2.3 Haul Trucks - The no off-property transport emission limitation guideline shall apply to haul trucks; except that when operating off the property of the owner or operator, the applicable guideline shall be no off-vehicle transport of visible emissions. (Colorado Regulation No. 1, Section III.D.2.f.(iii))
- 11.6.2.4 As used herein, “nuisance” shall mean the emission of fugitive particulates that constitutes a private or public nuisance as defined in common law, the essence of which is that such emissions are unreasonable interfering with another person's use and enjoyment of

his property. Such interference must be “substantial” in its nature as measured by a standard that it would be of definite offensiveness, inconvenience, or annoyance to a normal person in the community. (Colorado Regulation No. 1, Section III.D.1.c)

- 11.6.2.5 The 20% opacity, no off-property transport, and nuisance emission limitation guidelines of this Section III.D. (as included in Conditions 11.6.2.1 through 11.6.2.3) are not enforceable standards and no person shall be cited for violation thereof pursuant to C.R.S. 1973, 25-7-115 as amended. (Colorado Regulation No. 1, Section III.D.1.e.(iii))
- 11.6.3 In the event that a revised control plan is requested under the provisions of Condition 11.6.2, the requirements in Condition 1.6.3 shall be met.
- 11.6.4 Violations of these fugitive particulate matter requirements and potential Division enforcement action related to those violations are defined in Condition 1.6.4.

No opacity or off property transport was observed from the outdoor clinker area. The source performs weekly inspections of the control measures to ensure the emission control measures are in place and effective. The source maintains records of the weekly inspections and results as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 11.7 On and after the date on which the performance test required to be conducted by §60.8 is completed, you may not discharge into the atmosphere from any affected facility other than the kiln and clinker cooler any gases which exhibit 10 percent opacity, or greater. (40 CFR Part 60 Subpart F § 60.42(c))

Any sources other than kilns (including associated alkali bypass and clinker cooler) that are subject to the 10 percent opacity limit must follow the appropriate monitoring procedures in §63.1350(f) (Condition 22.33), (m)(1) through (4), (10) and (11), (o), and (p) of this chapter. (60.64(b)(3)).

No opacities in excess of 10% have been documented from sources subject to this condition. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 11.8 The following sources are subject to the CAM requirements set forth in Condition 23 of this permit: S024, S051, S034, S036, S037, S043, S044, S045 and S046.

See Condition 23.

11.9 These sources are subject to the requirements in 40 CFR Part 63 Subpart LLL as set forth in Condition 22 of this permit.

Specifically these sources are subject to the outdoor clinker storage pile and operation and maintenance plan requirements and any related recordkeeping and reporting requirements associated with those requirements.

Note that the opacity requirement in 40 CFR Part 60 Subpart F (Condition 11.7) that applies to these sources is more stringent than the opacity limits in 40 CFR Part 63 Subpart LLL (§§ 63.1343(b) and 63.1345, Conditions 22.4 and 22.6), so as provided for in § 63.1356 (Condition 22.62), these sources do not have to comply with the opacity requirements in §§ 63.1343(b) and 63.1345. The opacity requirements in §§ 63.1343(b) and 63.1345 are included in the permit shield for streamlined conditions (Section III.3) of this permit for these sources.

See Condition 22.

12. P014 - Material Handling System – Load-In and Load-Out

AIRs pt 014: S020 - Coal Silo/Elevator, S019 – Material Unloading Hopper (Railcar), S025 – Material Unloading Hopper and Spout (Trucks), and Outdoor Coal Storage

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Process Rate	12.1			Recordkeeping	Annually
PM & PM ₁₀	12.2		See Condition 12.2	Recordkeeping and Calculation	Annually
PM	12.3	See Condition 12.3		Baghouse Maintenance and Operation	See Condition 19
Opacity	12.4	Shall not exceed 20%, except as		Visible Emission Observation	Daily



		provided for below		Method 9	If Required (See Conditions 16.1.1.2 and 20.5.1) See Condition 19
		Certain Operating Conditions - Shall not exceed 30%, for a period or periods aggregating more than six (6) minutes in any 60 consecutive minutes		Baghouse Maintenance and Operation	
MACT Requirements	12.5			See 40 CFR Part 63 Subpart LLL (Condition 22)	
		Opacity Shall Not Exceed 10%		Method 22	Monthly to Annually
		O & M Plan Requirements		See Conditions 22.10 and 22.11	

**Compliance Status: P014 - Material Handling System – Load-In and Load-Out
AIRs pt 014: S020 - Coal Silo/Elevator, S019 – Material Unloading Hopper (Railcar), S025 – Material Unloading Hopper and Spout (Trucks), and Outdoor Coal Storage**

Parameter		Limitations	Reported Data
S019	Coal Feed	No limit	49,439,627 tons
	PM	No limit	0.0022 tons
	PM ₁₀	No limit	0.0022 tons

Cemex provided the Reported Data above for 2018 and the rolling 12-month period ending 4/30/2020. The emissions are calculated based on daily, monthly and yearly material throughputs.

12.1 Materials processed through these sources shall be monitored and recorded annually. Any information used to determine the annual quantity of materials processed shall be maintained and made available to the Division upon request.



The source is tracking emissions on a monthly and annual basis, as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

12.2 Annual emissions for purposes of APEN reporting and the payment of annual fees shall be estimated using the annual materials processed, as required by Condition 12.1, and the emission factors listed in the table below above summary table (AP-42, Section 11.6, dated January 1995, Table 11.6-4) in the following equation:

Material	Emission Factor (lb/ton) (applies to each baghouse stack or transfer point)		Emission Factor Source	Control Efficiency
	PM	PM ₁₀		
Coal	2.9 x 10 ⁻⁵ lb/ton	2.9 x 10 ⁻⁵ lb/ton	AP-42, Section 11.6 (dated 1/95), Table 11.6-4 – limestone transfer with fabric filter	N/A (factor includes control)
Clinker	2.9 x 10 ⁻⁵ lb/ton	2.9 x 10 ⁻⁵ lb/ton		
Limestone	2.9 x 10 ⁻⁵ lb/ton	2.9 x 10 ⁻⁵ lb/ton		
Other	0.0069 lb/ton	0.0033	AP-42, Section 11.12 (dated 6/06), Table 11.12-2 – aggregate transfer	99%

$$\text{Tons/mo} = \frac{[\text{EF (lbs/ton)} \times \text{annual material processed (ton/yr)}]}{2000 \text{ lb/ton}}$$

When materials other than coal and clinker are loaded, a control efficiency of 99% may be applied to the above calculation if the baghouses are operated and maintained in accordance with the requirements in Condition 19. The emission factors for coal and clinker account for baghouse control.

The source is calculating emissions using the raw material throughputs and the emission factor below, as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

12.3 No owner or operator of a manufacturing process unit shall cause or permit emission of any particulate matter into the atmosphere during any consecutive sixty minute period which is in excess of the following (Colorado Regulation No. 1, III.C.1):



12.3.1 For process equipment having design rates of greater than 30 tons per hour, the allowable emission rate shall be determined by use of the equation (Colorado Regulation No. 1, III.C.1.b):

$$E = 17.31 (P)^{0.16}$$

Where:

E is the allowable particulate emissions in lbs/hr.

P is the process weight rate in tons/hr

In absence of evidence to the contrary, compliance with the PM limit is presumed provided the baghouses are operated and maintained in accordance with the requirements specified in Condition 19.

Compliance with the PM limit is presumed because baghouses are operated and maintained in accordance with the requirements specified in Condition 19. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

12.4 These sources are subject to the opacity limits set forth in Condition 20 of this permit.

This point is meeting the opacity requirements outlined in Condition 20. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

12.5 These sources are subject to the requirements in 40 CFR Part 63 Subpart LLL as set forth in Condition 22 of this permit.

See Condition 22.

13. P007A - Handling and Processing of CKD and Raw Material Waste Dust

AIRs pt 049: S001 – Waste Dust Silo, S022 – Kiln Return Dust Silo, S066 – Cement Silo A5, S067 – CKD Loading Spout, 041 - Pug Mill/Truck Loading and 042 - Truck Hauling and Disposal at Lyons Quarry

Parameter	Permit Condition Number	Limitations		Emission Factors	Monitoring	
					Method	Interval
Process Rate	13.1	S001, S022, S066 & S067, 041 - Pug Mill/Truck Loading	Total Quantity of Materials conveyed, CKD and benification dust, together, on a dry basis: 133,000 tons/year 600 tons/day		Recordkeeping	Monthly
		042 - Hauling and Disposal	Total Quantity of material Hauled and Disposed, on Wet Basis: 173,403 tons/year 800 tons/day			
PM and PM ₁₀	13.2	S001, S022, S066 & S067	PM: 19.95 tons/year PM ₁₀ : 9.98 tons/year 69.5 lbs/day	See Condition 13.2	Baghouse Operation and Maintenance Recordkeeping and Calculation Performance Tests S066 Pressure Drop Recording	See Condition 11.4.1 Monthly Every Five (5) Years Weekly



Parameter	Permit Condition Number	Limitations		Emission Factors	Monitoring	
					Method	Interval
		041 - Pug Mill/Truck Loading	PM: 2.66 tons/year PM ₁₀ : 2.66 tons/year 24.00 lbs/day	PM: 0.8 lb/ton PM ₁₀ : 0.2 lb/ton	Recordkeeping and Calculation	Monthly
		042 - Hauling and Disposal	PM: 5.50 tons/year PM ₁₀ : 2.50 tons/year 23 lbs/day		Recordkeeping and Calculation Emission Control Plan	Monthly
Hours of Operation	13.3	S001, S022, S066& S067: 8064 hours/year			Recordkeeping	Monthly
Days of Operation	13.4				Recordkeeping	Monthly
NSPS Subpart F Opacity	13.5	Less than 10%			Method 22	Monthly to Annually
Opacity	13.6	Shall not exceed 20%, except as provided for below			Visible Emission Observation	Daily
					Method 9	If Required (See Conditions 16.1.1.2 and 20.5.1)
		Certain Operating Conditions - Shall not exceed 30%			Baghouse Maintenance and Operation	See Condition 19 (Includes Weekly Pressure Drop for S066)
Fugitive PM Emissions	13.7				Inspection	Daily
Pit Restriction	13.8	Pit C Only			Certification	Annually
CAM	13.9	See Condition 23				
	13.10				See 40 CFR Part 63 Subpart LLL (Condition 22)	



Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
MACT Requirements		O & M Plan Requirements		See Conditions 22.10 and 22.11	

Compliance Status: P007A - Handling and Processing of CKD And Raw Material Waste Dust
S001 - Waste Dust Silo
S066 - Cement Silo A5
S067 - CKD Loading Spout
041 - Pug Mill
042 - Truck Hauling to Lyons Quarry

Parameter		Limitations	Reported Data
Process Rate	S001, S066, S067	133,000 tons/yr	9,730 tons
		600 tons/day	34.67 tons/day
	041	133,000 tons/yr	9,730 tons
		600 tons/day	34.67 tons/day
	042	173,403 tons/yr	201.29 tons
		800 tons/day	20.83 tons/day
PM	S001, S022, S066, S067	19.95 tons/yr	8.31 tons
	041	2.66 tons/yr	0.09 tons
	042	5.50 tons/yr	0.00607 tons
PM ₁₀	S001, S066, S067	9.98 tons/yr	4.26 tons
		69.5 lbs/day	29.51 lbs/day
	041	2.66 tons/yr	0.09 tons
		24.00 lbs/day	0.67 lbs/day
	042	2.50 tons/yr	0.0028 tons
		23 lbs/day	0.02 lbs/day
Hours of Operation	S001	8064 hours/yr	5,991 hours

Cemex provided the Reported Data above for the rolling 12-month period ending 4/30/2020. The emissions are calculated based on daily, monthly and yearly material throughputs.

13.1 The amount of materials handled shall not exceed the limits listed in the above table (Construction Permit 98BO0315). The quantity of materials handled shall be monitored and recorded monthly. Any information used to determine the monthly quantities of material handled shall be maintained and made available for inspection upon request. Monthly quantities of material handled shall be used in a rolling twelve month total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months' data.



Compliance with the daily throughput limits shall be monitored by dividing the monthly quantity of material handled by the number of days of operation.

Cemex is maintaining the number of operating days per month and the process rates on a daily, monthly, and rolling 12-month total basis, as required. No exceedances of the permit limits are noted. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

13.2 PM and PM₁₀ emissions shall not exceed the limits listed in the above summary table. (Construction Permit 98BO0315, as modified under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part B, Section II.A.6 and Part C, Section X, to increase emission limitations for S001, S066 and S067 to include S022 (APEN submitted 2/20/13)). Compliance with the PM and PM₁₀ limits shall be monitored as follows:

13.2.1 **For the pug mill/truck loading (041)** monthly emissions shall be calculated by the end of the subsequent month using the emission factors in the above summary table (from Construction Permit 98BO0315, initial approval, modification and transfer of ownership, issued April 7, 2004) and the monthly quantity of materials processed. Monthly emissions shall be used in a twelve month rolling total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months' data.

Compliance with the daily PM₁₀ limitations shall be monitored by dividing the monthly PM₁₀ emissions by the number of days the unit was operated.

Control efficiencies of 95% for PM and 80% for PM₁₀ may be applied to the monthly calculations provided the pug mill and pelletizing machine are operated and maintained in accordance with manufacturer's recommendations and good engineering practices to provide a minimum moisture content of 20% water by weight.

A copy of the operating and maintenance procedures, schedules for maintenance and/or inspection activities and records related to the operation and maintenance of the pug mill and pelletizing machine and good engineering practices, such as records of routine maintenance and/or inspections shall be maintained and made available to the Division upon request.

13.2.2 **For S001, S022, S066, and S067**, the baghouses shall be operated and maintained in accordance with the requirements in Condition 19

13.2.3 **For S001, S022, S066, and S067**, monthly emissions shall be calculated by the end of the subsequent month using the PM and PM₁₀ emission factors (in

gr/dscf), hours of operation (as required by Condition 13.3) and the maximum design flow rate of the baghouse (see table below).

Note that the maximum design flow rate shall be converted to dry standard cubic feet for use in the emission calculations. The permittee shall maintain records of actual stack temperature and pressure for this conversion and shall make this information available to the Division upon request.

For all but BH 525-21 (S022): The PM and PM₁₀ emission factor for any baghouse, within an emission group that has been performance tested shall be the results of the most recent performance test. The PM and PM₁₀ emission factor for any baghouse within an emission group that has not been performance tested, shall be the results of the most recent performance test for any baghouse within that emission group that has been performance tested.

For BH 525-21 (S022): The PM and PM₁₀ emission factor shall be the baghouse grain loading specified in the table below.

Monthly emissions of PM and PM₁₀ shall be used in a rolling twelve month total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months' data.

Stack ID / Baghouse ID	Baghouse Grain Loading (gr/dscf)		Design Flow Rate (ACFM)
	PM	PM ₁₀	
S001 / BH 225-3	0.01	0.005	16,100
S022 / BH 525-21	0.03	0.015	5,278
S066 / BH 525-28	0.01	0.005	3,800
S067 / BH 825-7	0.01	0.005	2,600

Compliance with the daily PM₁₀ limitations shall be monitored by dividing the monthly PM₁₀ emissions by the number of days the unit was operated.

Cemex is using the above emission factor and control efficiencies to calculate PM and PM₁₀ emissions from the pug mill and pelletizing machines which appeared to be operated and maintained according to manufacturer's recommendations and good engineering practices. Cemex is using the maximum design flow rate of the control devices and emission rates determined from a stack test conducted on 4/21/2016 to calculate the emissions and demonstrate compliance with the permit limits of the silos and spout loading. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 13.2.4 **For S001 and S066**, performance tests shall be conducted every five (5) years to measure the emission rates of filterable PM and PM₁₀. Performance tests shall be conducted in accordance with the appropriate EPA Test Methods.

Performance testing shall be conducted at a representative baghouse to demonstrate compliance with the grain loading (gr/dscf) requirements. A different baghouse shall be tested during each five year test event, unless all of the baghouses have been tested or Division approval has been received for tested a baghouse that had been tested previously. Once both baghouses have been testes, the permittee shall repeat the process of testing a different baghouse during each five year test event.

Note that performance tests were conducted in April and May 2011 for these sources.

Since S067 is located and vents inside a building performance testing is not required for this baghouse. Since BH 525-21 was not subject to emission limitations prior to the April 1, 2013 revised permit and the emission limitations are based on the grain-loading specified in the table below performance testing is not required for this baghouse.

For purposes of assessing compliance with the annual PM and PM₁₀ emission limitations, the results of the tests shall be converted to a gr/dscf basis and compared to the grain loading requirements included in the table in Condition 13.2.3. Any test result that indicates non-compliance with the grain loading requirements in Condition 13.2.3 shall be considered a violation of the annual emission limitation.

The protocol, test notification and submittal of test report shall meet the requirements specified in Condition 21.

A stack test was performed on BH 225-3 on 4/7/2011 demonstrating compliance with the PM grain loading (gr/dscf) limits. A stack test was performed on BH 525-28 on 4/21/2016 demonstrating compliance with the PM grain loading (gr/dscf) limits. Another stack test will be required April 2021. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 13.2.5 **For hauling and disposal (042)**, compliance with the emission limits shall be monitored as follows:

13.2.5.1 Monthly emissions shall be calculated by the end of the subsequent month using the equation included in Appendix H for limestone/rock hauling (from AP-42, Section 13.2.2 (dated 11/06),

equation 1a (unpaved surfaces at industrial sites)) and the number of vehicle miles traveled for the month. Monthly emissions shall be used in a rolling twelve month total to monitor compliance with the annual emission limitations.

Compliance with the daily PM₁₀ limitations shall be monitored by dividing the monthly PM₁₀ emissions by the number of days the unit was operated.

Records shall be maintained to verify that the appropriate values of required parameters (silt content and truck weight) have been used in the equation to calculate emissions.

A control efficiency of 80% can be applied to the monthly emission calculations provided the control measures in Condition 13.7.1 have been met.

- 13.2.5.2 Vehicle miles traveled (VMT) shall be monitored and recorded monthly for use in the emission calculations required by Condition 13.2.5.1. Logs, reports and/or other information used to record and/or determine the monthly VMT shall be maintained and made available to the Division upon request.
- 13.2.5.3 Records that demonstrate that the one-way haul distance to Pit “C” meets the limitation in Condition 13.8 shall be maintained and made available to the Division upon request.

Cemex is calculating PM and PM10 emissions from truck hauling vehicle miles traveled using the appropriate emission factors and control efficiencies. Cemex is applying the control measures of 13.7.1 as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 13.2.6 **For S066**, the pressure drop across the inlet and outlet of the baghouse shall be monitored and recorded weekly, when the silo is operating. Results of the weekly reading will be recorded in a log book and made available for Division inspection upon request. A reading outside of the manufacturer’s recommendation shall trigger the source to investigate the baghouse performance and make any repairs or adjustments necessary. A log of any repairs shall be maintained and made available upon request. The manufacturer’s recommended pressure drop shall be maintained for Division inspection upon request. Note that the recording of the pressure drop readings is not required on days when the cement silo is not operating.

Differential pressures are recorded weekly to determine proper operation and ensure compliance with the emissions limit. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 13.3 Annual hours of operation shall not exceed the limitations listed in the above summary table (Construction Permit 98BO0315). Hours of operation shall be monitored and recorded monthly. Monthly hours of operation shall be used in a rolling twelve month total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months' data.

Cemex is maintaining a rolling 12-month total of hours of operation from these sources. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 13.4 Days of operation for these sources shall be monitored and recorded monthly. Days of operation shall be used to determine daily throughput and emissions as specified in Conditions 13.1, 13.2.1, 13.2.3 and 13.2.5.1.

Cemex is maintaining the number of operating days per month and the process rates on a daily, monthly, and rolling 12-month total basis, as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 13.5 On and after the date on which the performance test required to be conducted by §60.8 is completed, you may not discharge into the atmosphere from any affected facility other than the kiln and clinker cooler any gases which exhibit 10 percent opacity, or greater. (40 CFR Part 60 Subpart F § 60.42(c))

Any sources other than kilns (including associated alkali bypass and clinker cooler) that are subject to the 10 percent opacity limit must follow the appropriate monitoring procedures in §63.1350(f) (Condition 22.33), (m)(1) through (4), (10) and (11), (o), and (p) of this chapter. (CFR Part 60 Subpart F § 60.64(b)(3))

No opacities in excess of 10% have been documented from sources subject to this condition. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 13.6 These sources, **except for hauling and disposal**, are subject to the opacity limits set forth in Condition 20 of this permit.

See Condition 20.

- 13.7 **Hauling and disposal** are subject to the following fugitive particulate matter requirements:

- 13.7.1 Every owner or operator of a new source or activity that is subject to this Section III.D. and which is required to obtain an emission permit under Regulation No. 3 shall submit a fugitive particulate emission control plan meeting the requirements of this Section III.D. at such time as, and as part of, the required permit application. Such plan shall be approved or disapproved by the division in the course of acting to approve or disapprove the permit application and no emission permit shall be issued until a fugitive particulate emission control plan has been approved. (Colorado Regulation No. 1, Section III.D.1.b)

The following approved measures shall be used to control fugitive particulate matter emissions **from hauling and disposal**. (Construction Permit 98BO0315 and Compliance Order on Consent 2002-124)

A daily inspection of hauling and disposal operations shall be conducted to ensure the emission control elements are in place and effective. In addition, at any time when a fugitive dust problem is observed, the permittee shall take action to correct the problem. The permittee shall maintain records of the date and time of any fugitive dust problem observed, and the type and time of action taken to correct the problem. These records shall be maintained on site for inspection upon request.

- 13.7.1.1 Transfer points shall be enclosed.
- 13.7.1.2 Moisture content of the materials prior to transfer to pug mill shall be adequate to effectively control emissions.
- 13.7.1.3 Haul roads shall be treated with chemical dust suppressants, as often as required, to maintain a surface crust. Such controls shall achieve a minimum control efficiency of 80%.
- Records of such application of dust suppressants shall be maintained at the site.
- 13.7.1.4 At the disposal pit, the material shall be compacted and stabilized to minimize emissions.
- 13.7.1.5 Haul trucks of 95 tons capacity shall be used to minimize the vehicle-miles traveled. Spillage and exposure to wind shall be minimized by restricting the material load to 75 percent of the

volume capacity of the trucks.

13.7.1.6 Spillages and other particulate matter accumulations shall be cleaned up with the least delay. The permittee shall operate a powered sweeper during the day shift for 12 hours a day, 7 days a week to control accumulations on paved areas. Sweeping shall occur according to this schedule except under the following circumstances: wet pavement, snow/ice covered pavement, or shutdown of the kiln and crushing/drying system for greater than 24 hours. (Construction Permit 98BO0315 and Compliance Order on Consent 2002-124, paragraph 39.a, revised to remove statement regarding operation of the sweeper is the sole assignment of individual.)

13.7.1.7 Activities causing fugitive dust emissions shall be suspended when wind speeds reach or exceed 30 miles per hour, averaged over a 60-minute period. Only those activities affected by wind speed, and for which it is possible to “suspend operation” need be shut down (i.e., the permittee cannot “shut down” storage piles, thus this condition would not apply to storage piles). Activities may continue when the average wind speed drops below 30 m.p.h. (Incorporated directly into this operating permit per Section 1, Condition 1.3 of this permit)

The permittee shall install, calibrate, and operate a wind speed instrument which will be used to alert personnel when average wind speeds reach or exceed 30 m.p.h. The permittee shall maintain records of those dates and times when wind speed reaches or exceeds 30 m.p.h, averaged over a sixty minute period.

13.7.1.8 Operate an automated sprinkler system to water the active CKD disposal site (Compliance Order on Consent 2002-124, paragraph 42.a).

a. Sprinklers will be set for 10 minutes or longer on each station. Cycle times will be set for at least one cycle every two hours, except CEMEX may reduce watering if the CKD disposal area is too wet for equipment operations.

b. The sprinklers will be positioned to cover 100% of the active CKD disposal area.

c. The sprinkler system will be in service from mid-April through mid-October each year, except during rain, snow, or freezing condition.

13.7.1.9 Water trucks will be used to water the active CKD disposal area as follows (Compliance Order on Consent 2002-124, paragraph 42.b):

a. The access road will be watered at least every three hours during the day, and as needed at night to minimize fugitive emissions. Watering may be reduced or suspended during

cold weather if the road is ice covered and such ice cover is sufficient to minimize fugitive emissions.

- b. When the sprinklers are not in service, water trucks will be used to water the active disposal area at least every 3 hours during the day, and as needed at night to minimize fugitive emissions.
- c. Water truck operation as previously described will occur except in the following circumstances: freezing conditions, rain, or snow. As used here, the term “freezing conditions” means weather conditions severe enough to clog the water truck due to freezing. CEMEX shall take reasonable precautions, including but not limited to storing the water truck in a heated garage at night, to prevent such freezing conditions.

13.7.1.10 CEMEX agrees to limit the active disposal or working area of the CKD storage pit to 3 acres at any time. (Compliance Order on Consent 2002-124, paragraph 42.c)

- a. Inactive or unused portions of the pit shall be covered with rock or treated with hygroscopic materials to minimize fugitive emissions.
- b. Signage or berms shall be used to delineate the 3 acre active disposal area.

Cemex monitors wind speed continuously. Records of suspended operations during high wind events are maintained. Cemex operates an automated sprinkler system set to water for 10 minutes every two hours. The sprinklers appear to be effectively controlling emissions from the disposal site. No fugitive dust was observed during the inspection. Cemex operates a water truck at the plant following the above requirements. Water truck is operated each day except when there is precipitation or freezing or when repairs on the vehicles are required. Water trucks have been observed watering the active disposal site during inspections when sprinklers were not in use. Cemex has reduced the size of the active disposal to less than approximately one acre and the remaining area in the quarry was capped with material (waste shale) to control fugitive emissions. Cemex treats unpaved haul roads with calcium chloride several times per year. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

13.7.2 If the division determines that a source of activity which is subject to this Section III.D. (whether new or existing) is operating with emissions in excess of 20% opacity and such source is subject to the 20% emission limitation guideline; or if it determines that the source or activity which is subject to this Section III.D. is operating with visible emissions that are being transported off the property on which the source is located and such source is subject is to the

no off property transport emission limitation guideline; or if it determines that any source or activity which is subject to this Section III.D. is operating with emissions that create a nuisance; it shall require the owner or operator of that source or activity to submit a written plan to the division for the control of fugitive particulate emissions within the time period specified in Section III.D. Provided, however, that in the case of a source or activity which already has a control plan, the division shall review said control plan and if it determines the plan does not meet the requirements of this Section III.D. it shall require the submission of a revised control plan. (Colorado Regulation No. 1, Section II.D.1.c)

The guidelines that apply to the activities associated **with hauling and disposal** are as follows:

- 13.7.2.1 Storage and Handling of Materials – Both the 20% opacity and the no off-property transport emission limitation guidelines shall apply to storage and handling operations. (Colorado Regulation No. III.D.2.c.(iii))
- 13.7.2.2 Haul Roads - The no off-property transport emission limitation guideline shall apply to on-site haul roads (i.e., those located on and abutted by the property owned or under control of the owner or operator of the haul road) and the nuisance guideline shall apply to off-site haul roads (i.e., those abutted on both sides by property not owned or under the control of the owner or operator of the haul road). (Colorado Regulation No. 1, Section III.D.2.e.(iii))
- 13.7.2.3 Haul Trucks - The no off-property transport emission limitation guideline shall apply to haul trucks; except that when operating off the property of the owner or operator, the applicable guideline shall be no off-vehicle transport of visible emissions. (Colorado Regulation No. 1, Section III.D.2.f.(iii))
- 13.7.2.4 As used herein, “nuisance” shall mean the emission of fugitive particulates that constitutes a private or public nuisance as defined in common law, the essence of which is that such emissions are unreasonable interfering with another person's use and enjoyment of his property. Such interference must be “substantial” in its nature as measured by a standard that it would be of definite offensiveness, inconvenience, or annoyance to a normal person in the community. (Colorado Regulation No. 1, Section III.D.1.c)
- 13.7.2.5 The 20% opacity, no off-property transport, and nuisance emission limitation guidelines of this Section III.D. (as included in Conditions 13.7.2.1 through 13.7.2.3) are not enforceable standards and no person shall be cited for violation thereof pursuant to C.R.S. 1973, 25-7-115 as amended. (Colorado Regulation No. 1, Section III.D.1.e.(iii))

- 13.7.3 In the event that a revised control plan is requested under the provisions of Condition 13.7.2, the requirements in Condition 1.6.3 shall be met.
- 13.7.4 Violations of these fugitive particulate matter requirements and potential Division enforcement action related to those violations are defined in Condition 1.6.4.

No visible emissions issues were noted from these sources and no off-property transport was observed during the inspection. The source has not been required to submit a written plan to the Division for the control of fugitive particulate emissions from a source that is a source of activity which is subject to Section III.D. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 13.8 Only Pit “C” shall be used for disposal of CKD and Beneficiation Dust. The one-way haul distance is 0.38 mile. (Construction Permit 98BO0315).

Only C Pit is used for CKD and Beneficiation Dust disposal. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 13.9 The following sources are subject to the CAM requirements set forth in Condition 23 of this permit: S001, S022 and S066.

See to Condition 23.

- 13.10 These sources are subject to the requirements in 40 CFR Part 63 Subpart LLL as set forth in Condition 22 of this permit.

Specifically these sources are subject to the operation and maintenance plan requirements and any related recordkeeping and reporting requirements associated with those requirements.

Note that the opacity requirement in 40 CFR Part 60 Subpart F (Condition 13.5) that applies to these sources is more stringent than the opacity limit in 40 CFR Part 63 Subpart LLL (§ 63.1345, Condition 22.6), so as provided for in § 63.1356 (Condition 22.62), these sources do not have to comply with the opacity requirement in § 63.1345. The opacity requirement

in § 63.1345 is included in the permit shield for streamlined conditions (Section III.3) of this permit with respect to these sources.

See Condition 22.

14. P018 –General Fugitive Emissions Requirements

AIRs pt 028: Process Fugitives (Lyons Cement Plant) Not Subject to Emission Limitations

AIRs pt 019: Haul Roads (Lyons Cement Plant/Quarry and Dowe Flats Quarry) Not Subject to Emission Limitations

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Fugitive Emission Activity Information	14.1			Recordkeeping	Annually
PM &PM ₁₀ Emissions	14.2			Calculation	Annually
Fugitive or Excess Emission Observations or Complaints	14.3			Document and Investigate	Each Occurrence
Fugitive Particulate Emissions Requirements	14.4			Certification	Semi-Annually

The requirements in Conditions 14.1 and 14.2 apply to process fugitives and haul road emissions not subject to emission limitations. The requirements in Conditions 14.3 and 14.4 apply to the fugitive emission sources addressed in Section II of this permit which include this Condition 14 (those fugitive emissions sources not subject to emission limitations), as well as Conditions 1 (Dowe Flats and Lyons Quarry fugitive dust sources), 3 (storage and handling of raw materials), 11 (outdoor clinker storage and handling) and 13 (CKD and waste dust hauling and disposal) of this permit.



- 14.1 Records of the annual amount of materials hauled, handled or stored and all other information necessary to estimate emissions from fugitive particulate matter sources, shall be maintained and made available to the Division for inspection upon request.

Records provided by Cemex show the source is tracking the amount of materials hauled, number of vehicle miles traveled per year for both empty and loaded trucks, and calculating the tons of particulate matter. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 14.2 For APEN reporting purposes, annual PM and PM₁₀ emissions shall be estimated using the records obtained under Condition 14.1, and appropriate emissions factors and/or equations and control efficiencies. Records of the calculations shall be kept on site for Division inspection upon request.

NOTE: Some haul roads and/or fugitive emission sources at the Lyons Cement Plant, Lyons Quarry and/or Dowe Flats Quarry are subject to annual emission and throughput limits. These sources are addressed in Section II, Conditions 1 (Dowe Flats and Lyons Quarry fugitive dust sources), 3 (storage and handling of raw materials), 11 (outdoor clinker storage and handling) and 13 (CKD and waste dust hauling and disposal) of this permit.

Cemex is calculating emissions on an annual basis as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 14.3 The permittee shall document all reported observations or complaints from citizens, inspectors, contractors, or employees of fugitive or excess emissions. The permittee will investigate each occurrence and will document its findings and any corrective action taken or implemented. (As provided for in Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate Compliance Order on Consent 2002-124, paragraph 44. The COC, at paragraph 46 requires this requirement to be in the permit.)

Cemex performs daily visible emission observations as part of their daily walk through and CAM requirements and maintains records of all documented observations. It should be noted that there have been numerous complaints received by the Division and Boulder County and Cemex maintains a record of complaints received as well as their response and corrective action. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

14.4 These sources are subject to the following fugitive particulate matter requirements.

NOTE: These requirements are in addition to the fugitive control measures specified in Section II, Conditions 1 (Dowe Flats and Lyons Quarry fugitive dust sources), 3 (storage and handling of raw materials), 11 (outdoor clinker storage and handling) and 13 (CKD and waste dust hauling and disposal) of this permit.

14.4.1 Every owner or operator of a source or activity that is subject to this Section III.D. shall employ such control measures and operating procedures as are necessary to minimize fugitive particulate emissions into the atmosphere through the use of all available practical methods which are technologically feasible and economically reasonable and which reduce, prevent and control emissions so as to facilitate the achievement of the maximum practical degree of air purity in every portion of the State. (Colorado Regulation No. 1, Section III.D.1.a).

The permittee shall utilize the following control measures to minimize fugitive particulate emissions:

14.4.1.1 The permittee shall treat haul roads with chemical dust suppressants or stabilizers as often as necessary to maintain a surface crust, as required in Section II, Condition 13.7.1.3 of this permit. Such materials shall be applied to the haul road to the CKD disposal pit at least every six months. Chemical stabilizers and/or dust suppressants shall be applied in accordance with good engineering practices. Records of good engineering practices, such as records of chemical stabilizer application and manufacturer's recommendations for application shall be maintained and made available to the Division upon request. (As provided for in Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate Compliance Order on Consent 2002-124, paragraph 43. The COC, at paragraph 46 requires this requirement to be in the permit. COC requirement was revised to allow use of any chemical stabilizer or dust suppressant.)

14.4.1.2 The permittee shall use a water application system (such as a water truck or sprinkler system) to minimize fugitive particulate emissions from roads and other traffic areas, loading areas, the edges of clinker piles, and other sources of fugitive particulate matter emissions. (As provided for in Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate Compliance Order on Consent 2002-124, paragraph 41. The COC, at paragraph 46 requires this requirement to be in the permit.) The water truck and/or sprinkler system shall meet the following requirements:

a. During the day shift, the permittee will operate the plant based water truck on a full time basis, 12 hours a day, 7 days

a week. Watering will occur according to this schedule except under the following circumstances: Freezing conditions, snow/ice covered roads, rain, or during a shutdown of the crushing/drying system and the kiln system for greater than 24 hours. As used here, the term “freezing conditions” means weather conditions severe enough to clog the water truck due to freezing. The permittee shall take reasonable precautions to prevent such freezing conditions. (As provided for in Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate Compliance Order on Consent 2002-124, paragraph 41.a, revised to remove statement regarding operation of the water truck is the sole assignment of individual and to remove specific measure to prevent freezing conditions. The COC, at paragraph 46 requires this requirement to be in the permit.)

- b. The water truck shall be operated during nights as necessary to water such areas adequately to control particulate emissions. (As provided for in Section I, Condition 1.3 and Colorado Regulation No. 3, Part C, Section I.A.7 and III.B.7, to incorporate Compliance Order on Consent 2002-124, paragraph 41.b. The COC, at paragraph 46 requires this requirement to be in the permit.)
- c. An automated sprinkler system shall be operated in accordance with the following requirements:
 - (i) Sprinklers will be set for 10 minutes or longer on each station. Cycle times will be set for at least one cycle every two hours, except that the permittee may reduce watering if the area becomes too wet for operations.
 - (ii) The sprinkler system shall be positioned to cover 100% of the affected area.
 - (iii) The sprinkler system shall be in service from mid-April through mid-October each year, except during rain, snow or freezing conditions.

14.4.1.3 The permittee shall install and operate a truck wash system to minimize tracking out of any materials. The truck wash system shall be used to wash cement spillage off of cement transport trucks before the trucks leave the facility. Operation of the truck wash is not required when ambient temperatures are such that use of the truck wash creates a safety hazard due to ice formation and when the truck wash is non-operational. When the truck wash is not in use, the permittee shall use alternate methods of removing cement



spillage from the trucks before they leave the facility. The permittee shall keep records of the time periods when the truck wash is not used because it is non-operational and shall make such records available to the Division upon request. The truck wash shall be repaired as soon as practicable after break-downs.

NOTE: Some fugitive emission sources at the Lyons Cement Plant are subject to other fugitive control measures. These sources are addressed in Section II, Conditions 1 (Dowe Flats and Lyons Quarry fugitive dust sources), 3 (storage and handling of raw materials), 11 (outdoor clinker storage and handling) and 13 (CKD and waste dust hauling and disposal) of this permit.

14.4.2 If the division determines that a source of activity which is subject to this Section III.D. (whether new or existing) is operating with emissions in excess of 20% opacity and such source is subject to the 20% emission limitation guideline; or if it determines that the source or activity which is subject to this Section III.D. is operating with visible emissions that are being transported off the property on which the source is located and such source is subject to the no off property transport emission limitation guideline; or if it determines that any source or activity which is subject to this Section III.D. is operating with emissions that create a nuisance; it shall require the owner or operator of that source or activity to submit a written plan to the division for the control of fugitive particulate emissions within the time period specified in Section III.D. Provided, however, that in the case of a source or activity which already has a control plan, the division shall review said control plan and if it determines the plan does not meet the requirements of this Section III.D. it shall require the submission of a revised control plan. (Colorado Regulation No. 1, Section III.D.1.c).

The guidelines that apply to these activities are as follows:

- 14.4.2.1 Storage and Handling of Materials – Both the 20% opacity and the no off-property transport emission limitation guidelines shall apply to storage and handling operations. (Colorado Regulation No. III.D.2.c.(iii))
- 14.4.2.2 Haul Roads - The no off-property transport emission limitation guideline shall apply to on-site haul roads (i.e., those located on and abutted by the property owned or under control of the owner or operator of the haul road) and the nuisance guideline shall apply to off-site haul roads (i.e., those abutted on both sides by property not owned or under the control of the owner or operator of the haul road). (Colorado Regulation No. 1, Section III.D.2.e.(iii))
- 14.4.2.3 Haul Trucks - The no off-property transport emission limitation guideline shall apply to haul trucks; except that when operating off the property of the owner or operator, the applicable guideline shall be no off-vehicle transport of visible emissions. (Colorado

Regulation No. 1, Section III.D.2.f.(iii))

- 14.4.2.4 As used herein, “nuisance” shall mean the emission of fugitive particulates that constitutes a private or public nuisance as defined in common law, the essence of which is that such emissions are unreasonable interfering with another person's use and enjoyment of his property. Such interference must be “substantial” in its nature as measured by a standard that it would be of definite offensiveness, inconvenience, or annoyance to a normal person in the community. (Colorado Regulation No. 1, Section III.D.1.c)
- 14.4.2.5 The 20% opacity, no off-property transport, and nuisance emission limitation guidelines of this Section III.D. (as included in Conditions 14.4.2.1 through 14.4.2.3) are not enforceable standards and no person shall be cited for violation thereof pursuant to C.R.S. 1973, 25-7-115 as amended. (Colorado Regulation No. 1, Section III.D.1.e.(iii))
- 14.4.3 In the event that a revised control plan is requested under the provisions of Condition 14.4.2, the requirements in Condition 1.6.3 shall be met.
- 14.4.4 Violations of these fugitive particulate matter requirements and potential Division enforcement action related to those violations are defined in Condition 1.6.4.

Cemex treats unpaved haul roads with calcium chloride semiannually. Records reviewed during previous inspections indicate the dust suppressant solution has a calcium chloride concentration of 28-45% and treatments were applied twice per year. Watering at Dowe Flats is conducted daily with a dedicated water wagon at the mine to be used when the mine is in operation. There is no indication that fugitive dust from the unpaved haul roads at Dowe Flats was not adequately minimized. Cemex is operating a truck wash, as required, and trucks are channeled through the truck wash with barricades after loading with cement. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

15. Gasoline Storage Tank, 3,000 Gallon Capacity

Parameter	Permit Condition Number	Limitations	Compliance Emission Factor	Monitoring	
				Method Interval	
Transfer of Gasoline	15.1			See Condition 15.1	
Equipment Requirements	15.2			Certification	Annually

Parameter	Permit Condition Number	Limitations	Compliance Emission Factor	Monitoring	
				Method	Interval
Vapor Control System	15.3			Certification	Annually
Disposal of Gasoline	15.4			Certification	Annually

Note that this emission unit is exempt from the APEN reporting requirements in Regulation No.3, Part A and the construction permit requirements in Regulation No. 3, Part B provided actual, uncontrolled emissions are less than the APEN de minimis level.

**Compliance Status: T001 - Gasoline Storage Tank
3,000-Gallon Capacity**

Parameter	Limitations	Reported Data
VOC	No limit	0.15 tons

Cemex is recording fuel throughput and calculating emissions on a monthly and rolling 12-month total basis. Cemex provided the reported data in the table above for the rolling 12-month period ending 4/30/2020.

- 15.1 The owner or operator of storage tanks at a gasoline dispensing facility, which receives and stores gasoline, shall not allow the transfer of petroleum liquid from any delivery vessel into any tank unless the tank is equipped with a submerged fill pipe and the vapors displaced from the storage tank during filling are processed by a vapor control system (Colorado Regulation No. 7, Section VI.B.3). Compliance with this requirement shall be monitored by meeting the requirements in Conditions 15.2 and 15.3.
- 15.2 Tanks equipped with a submerged fill pipe shall meet the specifications of Regulation No. 7, Appendix A (Colorado Regulation No. 7, Section VI.B.3.c).
- 15.3 The vapor control system shall meet the following requirements:
 - 15.3.1 Vapor control system shall include a vapor-tight line from the storage tank to delivery vessel (Colorado Regulation No. 7, Section VI.B.3.d.(i)).
 - 15.3.2 The owner or operator shall ensure that operating procedures are used so that gasoline cannot be transferred into the tank unless the vapor control system is in use (Colorado Regulation No. 7, Section VI.B.3.e).
 - 15.3.3 This tank shall only be filled with gasoline from a certified (in accordance with Colorado Regulation No. 7, Section VI.D) delivery truck equipped with an approved gasoline vapor collection system. The permittee's operating procedures shall include this requirement.



- 15.4 No owner or operator of a gasoline dispensing facility shall permit gasoline to be intentionally spilled, discarded in sewers, stored in open containers, or disposed of in any manner that would result in evaporation (Colorado Regulation No. 7, Section V.B). The permittee's operating procedures for gasoline dispensing shall include these requirements.

Cemex's gasoline storage tank is equipped with a submerged fill pipe and a vapor return hose that is connected to the tanker truck to capture the vapors displaced by the tank filling procedure. Fuel delivery was not observed during the inspection, however, previous inspections reviewed the standard operating procedure for Cemex employees is to observe the fuel delivery and verify the use of the vapor return lines to minimize emissions. No evidence of gasoline intentionally spilled or allowed to evaporate was observed. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

16. Daily Visible Emissions Observations

- 16.1 A daily plant walk through shall be performed to look for visible emissions. During the walk through, an observer will survey the plant, including remote locations of the facility (i.e. Dowe Flats Quarry and conveyor and ckd disposal site) from at least five (5) observation points to observe visible emissions, except as provided for in Condition 16.3. From these locations together, all of the facility's baghouses and material transfer points can be observed.

- 16.1.1 If visible emissions are observed from any stack, the following applies:

16.1.1.1 The permittee shall undertake the appropriate corrective process and/or maintenance actions as soon as practicable. When these actions are completed, that stack will be observed again.

16.1.1.2 If, after the actions taken in Condition 16.1.1.1, visible emissions persist, the permittee shall perform a Method 9 test of that stack.

16.1.1.3 Subject to the provisions of C.R.S. 15-7-123 and in the absence of credible evidence to the contrary, exceedance of the limit shall be considered to exist from the time a Method 9 reading is taken that shows an exceedance of the opacity limit until a Method 9 reading is taken that shows the opacity is less than the opacity limit.

16.1.1.4 All opacity observations shall be performed by an observer with current and valid Method 9 certification. Results of Method 9 readings and a copy of the certified Method 9 reader's certificate shall be kept on site and made available to the Division upon request.

- 16.1.2 If visible emissions from fugitive sources are noted, the following applies:

16.1.2.1 The permittee shall investigate to insure that the provisions of the appropriate fugitive dust control plan are being implemented. If

necessary, additional actions shall be taken to minimize visible emissions.

- 16.2 Records shall be maintained of the daily observations including the location(s) of the visible emission observations, the results of the observations, any corrective or additional actions taken or maintenance conducted and any follow-up observations and the results of those observations.
- 16.3 The number of locations for the daily visible emission observations may be reduced under the following circumstances:
 - 16.3.1 Daily visible emission observations are not required at remote locations on days when operations are not occurring at these locations.
 - 16.3.2 Daily visible emission observations are not required at remote locations on days when operations are not occurring for four (4) consecutive daylight hours or more.
 - 16.3.3 Daily visible emission observations are not required at the cement plant on days when the plant equipment is not operating.
 - 16.3.4 Daily visible emission observations are not required at the cement plant on days when the plant equipment is not operating for four (4) consecutive daylight hours or more.
- 16.4 The daily walk through for visible emissions does not apply to the kiln and clinker cooler, which are equipped with opacity monitors.
- 16.5 The daily walk through for visible emissions is in addition to the other visible emission observations required by other conditions in this permit (e.g. Condition 20.5.1, CAM (Condition 23 and Appendix G), NSPS OOO (Condition 2.2) and NESHAP LLL (Condition 22))

Cemex maintains records of daily inspections for visible emissions from 5 observation points. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

17. Cold Cleaner Solvent Vats

Parameter	Permit Condition Number	Limitations	Compliance Emission Factor	Monitoring	
				Method	Interval
Work Practice Standards	17.1			Certification	Annually
Transfer and Storage of Waste Solvents	17.2			Certification	Annually

Note that these emission units are exempt from the APEN reporting requirements in Regulation No. 3, Part A and the construction permit requirements in Regulation No. 3, Part B.

17.1 The design and operation of these cold cleaner solvent vats shall meet the standards defined in Colorado Regulation 7, Section X.B. The permittee’s operating procedures for solvent cleaning shall include these requirements.

17.2 The transfer and storage of waste and used solvents from the cold cleaner solvent vats are subject to the following requirements (Colorado Regulation No. 7, Section X.A.3 and 4):

17.2.1 In any disposal or transfer of waste or used solvent, at least 80 percent by weight of the solvent/waste liquid shall be retained (i.e., no more than 20 percent of the liquid solvent/solute mixture shall evaporate or otherwise be lost during transfers).

17.2.2 Waste or used solvents shall be stored in closed containers unless otherwise required by law.

The permittee’s operating procedures for the solvent vats and contracts and/or agreements with contractors to service these vats shall include these requirements.

The source reported the cold cleaners are operated and maintained according to the requirements above. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

18. Continuous Emission Monitoring and Continuous Opacity Monitoring Systems

The requirements in this Condition 18 apply to the continuous emission and opacity monitoring systems utilized by the kiln and dryer to assess compliance with emissions limitations and standards, other than those found in 40 CFR Part 63 Subpart LLL, “National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry” (Condition 22).

Those monitoring systems utilized for monitoring compliance with 40 CFR Part 63 Subpart LLL



requirements, in addition to other emission limits or standards, may also be subject to requirements in 40 CFR Part 63 Subpart LLL (Condition 22).

18.1 Equipment and QA/QC Requirements

18.1.1 The Continuous Emission Monitoring Systems (CEMS) are subject to the applicable requirements in 40 CFR Part 60. These CEMS are subject to the quality assurance/quality control requirements in 40 CFR Part 60, Subpart A § 60.13(d) and Appendix F and Condition 18.1.1.3. The monitoring systems shall meet the equipment, installation and performance specifications as follows:

18.1.1.1 The NO_x, SO₂ and diluent (CO₂ or O₂) monitors shall meet the equipment, installation and performance specifications of 40 CFR Part 60 Appendix B, Performance Specifications 2 and 3. In addition, the NO_x CEMS shall meet the equipment, installation and performance specifications of 40 CFR Part 60 Appendix B, Performance Specification 6. (paragraph 11 of Consent Decree (09-cv-0019-MEK-MEH) filed on April 19, 2013)

18.1.1.2 The CO monitor shall meet the equipment, installation and performance specifications of 40 CFR Part 60 Appendix B, Performance Specification 4/4A and 6.

18.1.1.3 The NO_x, SO₂ and CO CEMS are subject to the following requirements:

- a. Relative Accuracy Test Audits (RATAs): RATAs shall be conducted in the units (e.g., lb/MMBtu, ppm) of the emission limitation for all of the emission limitations that are applicable to the emissions unit. The RATAs for emissions units that have annual emission limits (tons/yr) will be conducted in terms of pounds per hour (lb/hr).
- b. The DAHS shall be able to record and manipulate the data in the units (e.g., lb/MMBtu, ppm) of the emission limitation and meet the reporting requirements for all of the emission limitations that are applicable to the emissions unit.

18.1.2 The COMS are subject to the applicable requirements in 40 CFR Part 60. Each continuous opacity monitoring system shall meet the design, installation, equipment and performance specifications in 40 CFR Part 60, Appendix B, Performance Specification 1.

18.1.3 Quality assurance/quality control plans shall be prepared for the continuous emission monitoring systems in accordance with the applicable requirements in 40 CFR Part 60, Appendix F. The quality assurance/quality control plans shall be made available to the Division upon request. Revisions shall be made to the plans at the request of the Division.

18.1.4 40 CFR Part 60 Subpart A § 60.13(d) requirements:

18.1.4.1 Owners and operators of a CEMS installed in accordance with the provisions of this part, must check the zero (or low level value between 0 and 20 percent of span value) and span (50 to 100 percent of span value) calibration drifts at least once daily in accordance with a written procedure. The zero and span must, as a minimum, be adjusted whenever either the 24-hour zero drift or the 24-hour span drift exceeds two times the limit of the applicable performance specification in Appendix B of this part. The system must allow the amount of the excess zero and span drift to be recorded and quantified whenever specified. Owners and operators of a COMS installed in accordance with the provisions of this part, must automatically, intrinsic to the opacity monitor, check the zero and upscale (span) calibration drifts at least once daily. For a particular COMS, the acceptable range of zero and upscale calibration materials is as defined in the applicable version of PS-1 in appendix B of this part. For a COMS, the optical surfaces, exposed to the effluent gases, must be cleaned before performing the zero and upscale drift adjustments, except for systems using automatic zero adjustments. The optical surfaces must be cleaned when the cumulative automatic zero compensation exceeds 4 percent opacity. (60.11(d)(1))

18.1.4.2 Unless otherwise approved by the Administrator, the following procedures must be followed for a COMS. Minimum procedures must include an automated method for producing a simulated zero opacity condition and an upscale opacity condition using a certified neutral density filter or other related technique to produce a known obstruction of the light beam. Such procedures must provide a system check of all active analyzer internal optics with power or curvature, all active electronic circuitry including the light source and photodetector assembly, and electronic or electro-mechanical systems and hardware and or software used during normal measurement operation. (60.13(d)(2))

18.2 General Provisions

18.2.1 Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under Condition 18.1.4, all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements as follows (60.13(e)):

18.2.1.1 All continuous monitoring systems referenced by paragraph (c) of this section for measuring opacity of emissions shall complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for

each successive 6-minute period. (60.13(e)(1))

- 18.2.1.2 All continuous monitoring systems referenced by paragraph (c) of this section for measuring emissions, except opacity, shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. (60.13(e)(2))
- 18.2.2 All continuous monitoring systems or monitoring devices shall be installed such that representative measurements of emissions or process parameters from the affected facility are obtained. Additional procedures for location of continuous monitoring systems contained in the applicable Performance Specifications of appendix B of this part shall be used. (60.13(f))
- 18.2.3 Owners or operators of all continuous monitoring systems for measurement of opacity shall reduce all data to 6-minute averages and for continuous monitoring systems other than opacity to 1-hour averages for time periods as defined in § 60.2. Six-minute opacity averages shall be calculated from 36 or more data points equally spaced over each 6-minute period. (60.13(h)(1))
- 18.2.4 For continuous monitoring systems other than opacity, 1-hour averages shall be computed as specified in 60.13(h)(2)(i) through (ix), except that the provisions pertaining to the validation of partial operating hours are only applicable for affected facilities that are required by the applicable subpart to include partial hours in the emission calculations (60.13(h)(2)).
- 18.2.5 All excess emissions shall be converted into units of the standard using the applicable conversion procedures specified in the applicable subpart. After conversion into units of the standard, the data may be rounded to the same number of significant digits used in the applicable subpart to specify the emission limit. (60.13(h)(3))
- 18.2.6 Alternative monitoring system, alternative reference method, or any other alternative for the required continuous emission monitoring systems shall not be used without having obtained prior written approval from the appropriate agency, either the Division or the U.S. EPA, depending on which agency is authorized to approve such alternative under applicable law. Any alternative continuous emission monitoring systems or continuous opacity monitoring systems must be certified in accordance with the requirements of 40 CFR Part 60. Guidelines for alternatives to monitoring procedures or requirements and relative accuracy (RA) tests are provided in § 60.13(i) and (j).
- 18.2.7 All test and monitoring equipment, methods, procedures and reporting shall be subject to the review and approval by the appropriate agency, either the Division or the U.S.EPA, depending on which agency is authorized to approve such alternative under applicable law, prior to any official use. The Division shall have the right to inspect such equipment, methods and procedures and data obtained at any time. The Division shall provide a witness(s) for any and all tests as Division resources permit.

18.2.8 A file shall be maintained of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by applicable portions of 40 CFR Part 60 Subpart A and Appendices B and F recorded in a permanent form suitable for inspection.

18.3 Recordkeeping Requirements

18.3.1 Any owner or operator subject to the provisions of this part shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative. (60.7(b))

18.3.2 Any owner or operator subject to the provisions of this part shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records, except as provided for in § 60.13(f). (60.13(f))

18.4 Reporting Requirements

18.4.1 Each owner or operator required to install a continuous monitoring device shall submit excess emissions and monitoring systems performance report (excess emissions are defined in applicable subparts) and-or summary report form (see Condition 18.4.2) to the Division semiannually, except when: more frequent reporting is specifically required by an applicable subpart; or the Division, on a case-by-case basis, determines that more frequent reporting is necessary to accurately assess the compliance status of the source. All reports shall be postmarked by the 30th day following the end of each six-month period. Written reports of excess emissions shall include the following information (60.7(c)):

18.4.1.1 The magnitude of excess emissions computed in accordance with § 60.13(h), any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions. The process operating time during the reporting period. (60.7(c)(1))

18.4.1.2 Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected facility. The nature and cause of any malfunction (if known), the

- corrective action taken or preventative measures adopted. (60.7(c)(2))
- 18.4.1.3 The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments. (60.7(c)(3))
- 18.4.1.4 When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report. (60.7(c)(4))
- 18.4.2 The summary report form shall contain the information and be in the format shown in figure 1 of § 60.7 unless otherwise specified by the Division. One summary report form shall be submitted for each pollutant monitored at each affected facility. (60.7(d))
- 18.5 Specific Provisions for using an SO₂ CEMS for 40 CFR Part 63 Subpart LLL HCl limit
- 18.5.1 The span value for the SO₂ CEMS monitor is the SO₂ emission concentration that corresponds to 125 percent of the applicable emissions limit at full clinker production capacity and the expected maximum fuel sulfur content. (60.63(f)(3))
- 18.5.2 You must conduct performance evaluations of each SO₂ CEMS monitor according to the requirements in §60.13(c) and Performance Specification 2 of appendix B to this part (part 60). You must use Methods 6, 6A, or 6C of appendix A-4 to this part (part 60) for conducting the relative accuracy evaluations. The method ASME PTC 19.10-1981, “Flue and Exhaust Gas Analyses,” (incorporated by reference—see §60.17) is an acceptable alternative to Method 6 or 6A of appendix A-4 to this part. (60.63(f)(4))
- 18.5.3 You must comply with the quality assurance requirements in Procedure 1 of appendix F to this part (part 60) for each NO_x and SO₂ CEMS, including quarterly accuracy determinations for monitors, and daily calibration drift tests. (60.63(f)(5))

The CEMS are installed and maintained in accordance with the requirements in 40 CFR Part 60 as required. The source certified a THC CEMS 6/5/2019 that was installed on the Raw Material Dryer to demonstrate compliance with O-Hap requirements; stack tests are conducted to determine annual VOC emissions. Annual RATAs were performed as required. Calibrations are performed daily. COMS are installed and maintained in accordance with the requirements in 40 CFR Part 60. The source maintains a CEMS/COMS QA/QC plan. The COMS DAHS calculates opacity based on 6 minute block periods as required. 1-hour averages are computed as required. The source submitted EERs on-time. The source reported excessive THC monitor downtime (8.579%; 134 hours down of 1562 operating hours) from the dryer CEMS due to two primary causes, loss of

compressed air and a sampling pump breakdown. It was determined by the inspector during the inspection records review that this amount of downtime is a violation. The source failed to demonstrate compliance with the VOC/THC emissions as required by 22.13.5, 22.20, and 22.35.1. The source did not demonstrate total organic HAP compliance as required by 22.23.9 and 22.36. The source reported excessive CO monitor downtime (8.769%; 99 hours down of 1129 operating hours) from the kiln CEMS due to not meeting the Gas RATA requirements on CO ppmvd during the initial 8/16/2019 RATA. The monitor was brought back into control by re-certifying the instrument with a full RATA by end of day 8/20/2019. It was determined by the inspector during the inspection records review that this amount of downtime is a violation. The source failed to continuously operate the continuous monitoring systems to monitor VOC/THC from the dryer and CO from the kiln as required by condition 18.2. (Not In Compliance)

19. Baghouse Operation and Maintenance

Routine maintenance of and operational procedures performed on the baghouses shall be conducted in accordance with manufacturer's specifications and/or good engineering practices. Routine maintenance and operational procedures shall be in written format. A copy of the operating and maintenance procedures, schedules for maintenance and/or inspection activities and records related to the operation and maintenance of the baghouses and good engineering practices, such as records of routine maintenance and/or inspections shall be maintained and made available to the Division upon request.

The differential pressure change across the baghouses (kiln and clinker cooler) is monitored continually from the control room. Cemex conducts weekly inspections of the baghouses and all maintenance activities are tracked by work order requests. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

20. Colorado Regulation No. 1 Opacity Requirements

These limits apply only to those sources, which are referred to this Condition throughout this permit.

- 20.1 Except as provided in Condition 20.2, below, no owner or operator of a source shall allow or cause the emission into the atmosphere of any air pollutant which is in excess of 20% opacity. This standard is based on 24 consecutive opacity readings taken at 15-second intervals for six minutes. The approved reference test method for visible emissions measurement is EPA Method 9 (40 CFR Part 60, Appendix A (July, 1992)) in all subsections of Section II.A of Regulation No. 1. (Colorado Regulation No. 1, II.A.1).
- 20.2 No owner or operator of a source shall allow or cause to be emitted into the atmosphere any air pollutant resulting from the building of a new fire, cleaning of fire boxes, soot blowing, start-up, any process modification, or adjustment or occasional cleaning of control equipment, which is in excess of 30% opacity for a period or periods aggregating

more than six minutes in any sixty consecutive minutes (Colorado Regulation No. 1, Section II.A.4).

Compliance with these opacity limits shall be monitored as follows:

- 20.3 Baghouses shall be operated and maintained in accordance with the requirements in Condition 19.
- 20.4 Daily visible emission observations shall be conducted in accordance with the requirements in Condition 16.
- 20.5 Compliance with the 30% limit set forth in Condition 20.2 shall be monitored as follows:
 - 20.5.1 Visual emission observations shall be conducted in accordance with EPA Method 9, if any of the activities listed in Condition 20.2 occurs continuously for one hour or more. A reading shall be conducted within one hour and ten minutes of commencement of any of the above activities and every 1 hour thereafter during the activity.
 - 20.5.2 The permittee shall maintain records of the type of activity and the day, time and length for which any activity listed in Condition 20.2 occurs.
 - 20.5.3 Subject to the provisions of C.R.S. 25-7-123.1 and in the absence of credible evidence to the contrary, exceedance of the limit shall be considered to exist from the time a Method 9 reading is taken that shows an exceedance of the opacity limit until a Method 9 reading is taken that shows the opacity is less than the opacity limit.
 - 20.5.4 These records, results of Method 9 readings, and a copy of the Method 9 reader's certification, shall be maintained and made available to the Division for inspection upon request.

The sources, which are referred to this Condition throughout this permit, are below.

AIRs pt 027: S055, Primary Crusher (Quarry)

AIRS pt 026: S056 – S064 - Belt Conveyor, Radial Stacker to Stockpiles

AIRS pt 024: Discharge of Primary-Crushed Raw Materials onto Open Stockpile and S009 - Front End Loader Activity

AIRs pt 001: S002 - Primary Crusher (Plant Site) and S004 – Surge Silo

AIRs pt 002: S005 Raw Materials Dryer

AIRS pt 003: Secondary Crushing and Screening (vents to S001) and S003 - #4 Belt Transfer

AIRs pt 004: S006 through S008 - Raw Materials Storage Silos

AIRs pt 005: S010 - Raw Material Grinding, S011 – Raw Material Separator, S012 – Raw Mill Feeders and S013 - Iron/Silica Silo

AIR pt 006: S014 - Homogenizing Silo and S015 Kiln Feed Silo

AIRS pt 008 (P008): S017 – Clinker Drag Chains, S023 Drag Conveyor, S024B – Outside Clinker Drop Hood

AIRs pt 009 (P009): S021 – Top of A Frame (belt 529-30 to 529-63), S026, S027, S029, S030, S031 – Weigh Feeders 1, 2, 4, 5 and 6, S032 – Bottom of A-Frame Transfer, S024 - #2 Clinker Silo, S038 – Surge Bin, S035 – Discharge of 629-3 Belt, S039 - S041 – Finish Mill Weigh Feeders, S038 – Surge Bin , and S033 - Gypsum/Limestone from 529-31 belt to Silos

AIRs pt 010 (P010): S034 - #6 Reclaim Feeder and S051 - Top of A Frame from 529-9 belt to 529-30 belt

AIRs pt 011 (P011): S036 – Finish Mill, S037 – Finish Mill Auxiliary Dust Collector and Grinding and Limestone Handling

AIRs pt 031 (P012): S065 – Finish Mill Separator and S069Clinker Baghouse Dust to Finish Mill (SEP project)

AIRs pt 013 (P013) – S043 – Cement Storage Silos A10 and A13, S044 – Cement Storage Silo A7, S045 – Cement Finish Silo A2, S046 - Packhouses East and West (loading spouts) and S048 - Recirculating System

AIRs pt 014: S020 - Coal Silo/Elevator, S019 – Material Unloading Hopper (Railcar), S025 – Material Unloading Hopper and Spout (Trucks), and Outdoor Coal Storage

AIRs pt 049: S001 – Waste Dust Silo, S022 – Kiln Return Dust Silo, S066 – Cement Silo A5, S067 – CKD Loading Spout, 041 - Pug Mill/Truck Loading

AIRs pt 050: Cement Rail Car Unloading and Handling System – hopper, screw conveyor and pneumatic transfer system

Cemex maintains records of daily inspections for visible emissions as required. None of those sources, which are referred to this Condition throughout this permit, reported documented opacity emissions in exceedance of this condition. (In Compliance)

21. Particulate Matter Performance Testing

This requirement applies only to those sources, which are referred to this condition throughout this permit (see Conditions 5.6.2, 11.4.3 and 13.2.4). Performance testing for filterable particulate matter emissions shall be performed in accordance with the requirements and procedures set forth in the appropriate EPA Test Methods. Frequency of testing and the specific emission limitations for which testing is required shall be as specified for those sources which are referred to this condition.

A stack testing protocol shall be submitted for Division approval at least thirty (30) calendar days prior The test protocol, test, and test report must be in accordance with the requirements of the APCD Compliance Test Manual (<https://www.colorado.gov/pacific/cdphe/inspections-and-enforcement>). A stack testing protocol shall be submitted for Division approval at least forty-five (45) calendar days prior to any performance of the test required under this condition. No stack test required herein shall be performed without prior approval of the protocol by the Division. The Division reserves the right to witness the test. In order to facilitate the Division’s ability to make plans to witness the test, notice of the date(s) for the stack test shall be submitted to the Division at least thirty (30) calendar days prior to the test. The Division may for good cause shown, waive

this thirty (30) day notice requirement. In instances when a scheduling conflict is presented, the Division shall immediately contact the permittee in order to explore the possibility of making modifications to the stack test schedule. The compliance test results shall be submitted to the Division within forty-five (45) calendar days of the completion of the test unless a longer period is approved by the Division.

The sources, which are referred to this Condition throughout this permit, are below.

AIRs pt 002: S005 Raw Materials Dryer

AIRs pt 009 (P009): S021 – Top of A Frame (belt 529-30 to 529-63), S026, S027, S029, S030, S031 – Weigh Feeders 1, 2, 4, 5 and 6, S032 – Bottom of A-Frame Transfer, S024 - #2 Clinker Silo, S038 – Surge Bin, S035 – Discharge of 629-3 Belt, S039 - S041 – Finish Mill Weigh Feeders, S038 – Surge Bin , and S033 - Gypsum/Limestone from 529-31 belt to Silos

AIRs pt 010 (P010): S034 - #6 Reclaim Feeder and S051 - Top of A Frame from 529-9 belt to 529-30 belt

AIRs pt 011 (P011): S036 – Finish Mill, S037 – Finish Mill Auxiliary Dust Collector and Grinding and Limestone Handling

AIRs pt 031 (P012): S065 – Finish Mill Separator and S069Clinker Baghouse Dust to Finish Mill (SEP project)

AIRs pt 013 (P013) – S043 – Cement Storage Silos A10 and A13, S044 – Cement Storage Silo A7, S045 – Cement Finish Silo A2, S046 - Packhouses East and West (loading spouts) and S048 - Recirculating System

AIRs pt 049: S001 – Waste Dust Silo, S022 – Kiln Return Dust Silo, S066 – Cement Silo A5

The source has submitted testing protocols to the Division prior to the testing and stack tests have been conducted for each emission point as required. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

22. National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry

Those sources throughout Section II of this permit that are referred to this condition are subject to the requirements of 40 CFR Part 63, Subpart LLL, “National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry”.

The requirements below reflect the current rule language as of the revisions to 40 CFR Part 63 Subpart LLL published in the Federal Register on July 27, 2015. However, if revisions to this Subpart are published at a later date, the owner or operator is subject to the requirements contained in the revised version of 40 CFR Part 63, Subpart LLL.

Please note that a direct final rule was published in the Federal Register on July 25, 2016. Provided that no adverse comments are received by August 24, 2016, the provisions take effect on September 8, 2016. The direct final rule corrects an inadvertent error and temporarily revises the testing and monitoring requirements for HCl due to the current unavailability of calibration gas. Therefore, the requirements below may change in the future.

The relevant requirements in 40 CFR Part 63 Subpart LLL that apply to these sources, are as follows:

Definitions (§ 63.1341)

- 22.1 All definitions in § 63.1341 apply but the following definitions have been included in the permit in order to provide more clarity to the requirements.
- 22.1.1 *Open clinker storage pile* means a clinker storage pile on the ground for more than three days that is not completely enclosed in a building or structure.
- 22.1.2 *Operating day* means any 24-hour period beginning at 12:00 midnight during which the kiln produces any amount of clinker. For calculating the 30-day rolling average emissions, kiln operating days do not include the hours of operation during startup or shutdown.
- 22.1.3 *Rolling average* means the weighted average of all data, meeting QA/QC requirements or otherwise normalized, collected during the applicable averaging period. The period of a rolling average stipulates the frequency of data averaging and reporting. To demonstrate compliance with an operating parameter a 30-day rolling average period requires calculation of a new average value each operating day and shall include the average of all the hourly averages of the specific operating parameter. For demonstration of compliance with an emissions limit based on pollutant concentration a 30-day rolling average is comprised of the average of all the hourly average concentrations over the previous 30 operating days. For demonstration of compliance with an emissions limit based on lbs-pollutant per production unit the 30-day rolling average is calculated by summing the hourly mass emissions over the previous 30 operating days, then dividing that sum by the total production during the same period.
- 22.1.4 *Shutdown* means the cessation of kiln operation. Shutdown begins when feed to the kiln is halted and ends when continuous kiln rotation ceases.
- 22.1.5 *Startup* means the time from when a shutdown kiln first begins firing fuel until it begins producing clinker. Startup begins when a shutdown kiln turns on the induced draft fan and begins firing fuel in the main burner. Startup ends when feed is being continuously introduced into the kiln for at least 120 minutes or when the feed rate exceeds 60 percent of the kiln design limitation rate, whichever occurs first.

Standards: General (§ 63.1342)

- 22.2 Table 1 to this subpart provides cross references to the 40 CFR part 63, subpart A, general provisions, indicating the applicability of the general provisions requirements to subpart LLL. (63.1342) These requirements include but are not limited to the following:

- 22.2.1 Prohibited activities and circumvention in § 63.4.
- 22.2.2 Compliance with standards and maintenance requirements in §63.6, except for paragraphs (b)(6), (c)(3) thru (4), (d), (e)(1) thru (3), (f)(1), (h)(1),(3) and (5)(ii) thru (iv) and (i)(15) Note the general duty provisions in 63.1348(d) replace those in (e)(1)(i).
- 22.2.3 Performance testing requirements in §63.7, except for paragraph (e)(1). Note that the conduct of performance test requirements in 63.1349(e) replace those in (e)(1).
- 22.2.4 Monitoring requirements in §63.8, except for paragraphs (a)(2) thru (4). Paragraph (d) applies except for the reference to SSM plan in the last sentence.
- 22.2.5 Notification requirements in § 63.9, except for paragraph (h)(4).
- 22.2.6 Recordkeeping and reporting requirements in §63.10, except for paragraphs (b)(2)(i) thru (ii) and (iv) thru (v), (c)(2) thru (4) and (9), (d)(5) and (e)(3)(vii) and (viii). Note that the reporting requirements in 63.1354(c) replace the requirements in 63.10(d)(5).

What standards apply to my kilns, clinker coolers, raw material dryers, and open clinker storage piles? (§ 63.1343)

- 22.3 *General.* The provisions in this section apply to each kiln and any alkali bypass associated with that kiln, clinker cooler, raw material dryer, and open clinker storage pile. All D/F, HCl, and total hydrocarbon (THC) emissions limit are on a dry basis. The D/F, HCl, and THC limits for kilns are corrected to 7 percent oxygen. All THC emissions limits are measured as propane. Standards for mercury and THC are based on a rolling 30-day average. If using a CEMS to determine compliance with the HCl standard, this standard is based on a rolling 30-day average. You must ensure appropriate corrections for moisture are made when measuring flow rates used to calculate mercury emissions. The 30-day period means all operating hours within 30 consecutive kiln operating days excluding periods of startup and shutdown. All emissions limits for kilns, clinker coolers, and raw material dryers currently in effect that are superseded by the limits below continue to apply until the compliance date of the limits below, or until the source certifies compliance with the limits below, whichever is earlier. (63.1343(a))
- 22.4 *Kilns, clinker coolers, raw material dryers, raw mills, and finish mills.* (1) The emissions limits for these sources are shown in the table below. (63.1343(b))

Note that the opacity requirement in 40 CFR Part 60 Subpart F for the finish mill and separator is more stringent than the opacity limit in this Condition 22.4 (§ 63.1343(b)), so as provided for in § 63.1356 (Condition 22.62) the finish mill and separator does not have to comply with the opacity limit in this Condition 22.4 (§ 63.1343(b)).

Source	Operating Mode	Emission Limitation
Existing Kiln	Normal Operation	PM ¹ – 0.07 lb/ton clinker
		D/F ² – 0.3 ng/dscm (TEQ), corrected to 7% O ₂
		Mercury (Hg) – 55 lb/MM tons clinker
		THC ^{3,4} – 24 ppmvd, corrected to 7% O ₂
	HCl – 3 ppmvd, corrected to 7% O ₂	
	Startup and Shutdown	Work practices (63.1346(g))
Existing Clinker Cooler	Normal Operation	PM ¹ – 0.07 lb/ton clinker
	Startup and Shutdown	Work practices (63.1348(b)(9))
Existing Dryer	Normal Operation	Total Organic HAP ⁴ – 12 ppmvd
	Startup and Shutdown	Work practices (63.1346(g) (Condition 22.9))
Existing or New Raw or Finish Mills	All	Opacity not to exceed 10%

¹ The initial and subsequent PM performance tests are performed using Method 5 or 5I and consist of three test runs.

² If the average temperature at the inlet to the first PM control device (fabric filter or electrostatic precipitator) during the D/F performance test is 400 °F or less, this limit is changed to 0.40 ng/dscm (TEQ).

³ Measured as propane.

⁴ Any source subject to the 24 ppmvd THC limit may elect to meet an alternative limit of 12 ppmvd for total organic HAP.

22.4.1 When there is an alkali bypass and/or an inline coal mill with a separate stack associated with a kiln, the combined PM emissions from the kiln and the alkali bypass stack and/or the inline coal mill stack are subject to the PM emissions limit. Existing kilns that combine the clinker cooler exhaust and/or alkali bypass and/or coal mill exhaust with the kiln exhaust and send the combined exhaust to the PM control device as a single stream may meet an alternative PM emissions limit. This limit is calculated using Equation 1 of this section. (63.1343(b)(2))

Note that the in-line coal mill does not have a separate stack but the kiln is equipped with an alkali bypass.

22.5 *Open clinker storage pile.* The owner or operator of an open clinker storage pile must prepare, and operate in accordance with, the fugitive dust emissions control measures, described in their operation and maintenance plan (see §63.1347 of this subpart), that is appropriate for the site conditions as specified in 63.1343(c)(1) through (3) (see below). The operation and maintenance plan must also describe the measures that will be used to

minimize fugitive dust emissions from piles of clinker, such as accidental spillage, that are not part of open clinker storage piles. (63.1343(c))

22.5.1 The operation and maintenance plan must identify and describe the location of each current or future open clinker storage pile and the fugitive dust emissions control measures the owner or operator will use to minimize fugitive dust emissions from each open clinker storage pile. (63.1343(c)(1))

22.5.2 For open clinker storage piles, the operations and maintenance plan must specify that one or more of the following control measures will be used to minimize to the greatest extent practicable fugitive dust from open clinker storage piles: Locating the source inside a partial enclosure, installing and operating a water spray or fogging system, applying appropriate chemical dust suppression agents, use of a wind barrier, compaction, use of tarpaulin or other equally effective cover or use of a vegetative cover. You must select, for inclusion in the operations and maintenance plan, the fugitive dust control measure or measures listed in this paragraph that are most appropriate for site conditions. The plan must also explain how the measure or measures selected are applicable and appropriate for site conditions. In addition, the plan must be revised as needed to reflect any changing conditions at the source. (63.1343(c)(2))

22.5.3 Temporary piles of clinker that result from accidental spillage or clinker storage cleaning operations must be cleaned up within 3 days. (63.1343(c)(3))

Emissions limits for affected sources other than kilns; clinker coolers; new and reconstructed raw material dryers. (§ 63.1345)

22.6 The owner or operator of each new or existing raw material, clinker, or finished product storage bin; conveying system transfer point; bagging system; bulk loading or unloading system; raw and finish mills; and each existing raw material dryer, at a facility which is a major source subject to the provisions of this subpart must not cause to be discharged any gases from these affected sources which exhibit opacity in excess of 10 percent.. (63.1345)

Note that the opacity requirement in 40 CFR Part 60 Subpart F for the sources Sections II.5, II.11, II.13 and II.24 is more stringent than the opacity limit in this Condition 22.6 (§ 63.1345), so as provided for in § 63.1356 (Condition 22.62) the sources Sections II.5, II.11, II.13 and II.24 do not have to comply with the opacity limit in this Condition 22.6 (§ 63.1345).

Operating limits for kilns. (§ 63.1346)

22.7 The owner or operator of a kiln subject to a D/F emissions limitation under §63.1343 must operate the kiln such that the temperature of the gas at the inlet to the kiln PM control device (PMCD) and alkali bypass PMCD, if applicable, does not exceed the applicable temperature limit specified in 63.1346(b) (Condition 22.8). (63.1346(a), excluding last sentence since no in-line kiln/raw mill)

- 22.8 The temperature limit for affected sources meeting the limits of 63.1346(a) (Condition 22.7) or 63.1346(a)(1) through (a)(3) is determined in accordance with §63.1349(b)(3)(iv) (Condition 22.19.4). (63.1346(b))
- 22.9 During periods of startup and shutdown you must meet the requirements listed in Conditions 22.9.1 through 22.9.4. (63.1346(g))
- 22.9.1 During startup you must use any one or combination of the following clean fuels: natural gas, synthetic natural gas, propane, distillate oil, synthesis gas (syngas), and ultra-low sulfur diesel (ULSD) until the kiln reaches a temperature of 1200 degrees Fahrenheit. (63.1346(g)(1))
- 22.9.2 Combustion of the primary kiln fuel may commence once the kiln temperature reaches 1200 degrees Fahrenheit. (63.1346(g)(2))
- 22.9.3 All dry sorbent and activated carbon systems that control hazardous air pollutants must be turned on and operating at the time the gas stream at the inlet to the baghouse or ESP reaches 300 degrees Fahrenheit (five minute average) during startup. Temperature of the gas stream is to be measured at the inlet of the baghouse or ESP every minute. Such injection systems can be turned off during shutdown. Particulate control and all remaining devices that control hazardous air pollutants should be operational during startup and shutdown. (63.1346(g)(3))
- 22.9.4 You must keep records as specified in §63.1355 during periods of startup and shutdown. (63.1346(g)(4))

Operation and maintenance plan requirements. (§ 63.1347)

- 22.10 You must prepare, for each affected source subject to the provisions of this subpart, a written operations and maintenance plan. The plan must be submitted to the Administrator for review and approval as part of the application for a part 70 permit and must include the following information (63.1347(a)):
- 22.10.1 Procedures for proper operation and maintenance of the affected source and air pollution control devices in order to meet the emissions limits and operating limits, including fugitive dust control measures for open clinker piles of §§63.1343, 63.1345, and 63.1346. Your operations and maintenance plan must address periods of startup and shutdown. (63.1347(a)(1))
- 22.10.2 Corrective actions to be taken when required by paragraph §63.1350(f)(3). (63.1347(a)(2))
- 22.10.3 Procedures to be used during an inspection of the components of the combustion system of each kiln and each in-line kiln raw mill located at the facility at least once per year. (63.1347(a)(3))

- 22.11 Failure to comply with any provision of the operations and maintenance plan developed in accordance with this section is a violation of the standard. (63.1347(b))

Compliance requirements. (§ 63.1348)

- 22.12 *Initial Performance Test Requirements.* For an affected source subject to this subpart, you must demonstrate compliance with the emissions standards and operating limits by using the test methods and procedures in §§63.1349 and 63.7. (63.1348(a), last sentence not included since the kiln has not burned nonhazardous solid waste)

NOTE TO PARAGRAPH (a): The first day of the 30 operating day performance test is the first day after the compliance date following completion of the field testing and data collection that demonstrates that the CPMS or CEMS has satisfied the relevant CPMS performance evaluation or CEMS performance specification (e.g., PS 2, 12A, or 12B) acceptance criteria. The performance test period is complete at the end of the 30th consecutive operating day. See §63.1341 for definition of operating day and §63.1348(b)(1) for the CEMS operating requirements. The source has the option of performing the compliance test earlier than the compliance date if desired.

- 22.12.1 *PM Compliance.* If you are subject to limitations on PM emissions under §63.1343(b) (Condition 22.4), you must demonstrate compliance with the PM emissions standards by using the test methods and procedures in §63.1349(b)(1) (Condition 22.17). (63.1348(a)(1))

- 22.12.2 *Opacity Compliance.* If you are subject to the limitations on opacity under §63.1345 (Condition 22.6), you must demonstrate compliance with the opacity emissions standards by using the performance test methods and procedures in §63.1349(b)(2) (Condition 22.18). Use the maximum 6-minute average opacity exhibited during the performance test period to determine whether the affected source is in compliance with the standard. (63.1348(a)(2))

Note that the opacity requirements for equipment other than the kiln and clinker cooler are not new requirements (i.e. were in effect prior to December 20, 2006) and initial performance tests for opacity have been conducted, thus the requirements do not apply to existing equipment. In the event that new equipment is installed that is subject to the opacity requirements in § 63.1345 (or rather the more stringent requirements in 40 Subpart F § 60.42(c), see Condition 22.6), the initial performance test would be required, so this requirement remains in the permit.

- 22.12.3 *THC Compliance.* If you are subject to limitations on THC emissions under §63.1343(b) (Condition 22.4), you must demonstrate compliance with the THC emissions standards by using the performance test methods and procedures in §63.1349(b)(4)(i) (Condition 22.20). You must use the average THC concentration obtained during the first 30 kiln operating days after the compliance date of this rule to determine initial compliance. (63.1348(a)(4)(i))

- 22.12.4 *Total Organic HAP Emissions Tests.* If you elect to demonstrate compliance with the total organic HAP emissions limit under §63.1343(b) (Condition 22.4) in lieu of the THC emissions limit, you must demonstrate compliance with the total organic HAP emissions standards by using the performance test methods and procedures in §63.1349(b)(7) (Condition 22.23). (63.1348(a)(4)(ii))
- 22.12.5 *Mercury Compliance.* If you are subject to limitations on mercury emissions in §63.1343(b) (Condition 22.4), you must demonstrate compliance with the mercury standards by using the performance test methods and procedures in §63.1349(b)(5) (Condition 22.21). You must demonstrate compliance by operating a mercury CEMS or a sorbent trap based CEMS. Compliance with the mercury emissions standard must be determined based on the first 30 operating days you operate a mercury CEMS or sorbent trap monitoring system after the compliance date of this rule. (63.1348(a)(5))
- 22.12.5.1 In calculating a 30 operating day emissions value using an integrating sorbent trap CEMS, assign the average Hg emissions concentration determined for an integrating period (e.g., 7 day sorbent trap monitoring system sample) to each relevant hour of the kiln operating days spanned by each integrated sample. Calculate the 30 kiln operating day emissions rate value using the assigned hourly Hg emissions concentrations and the respective flow and production rate values collected during the 30 kiln operating day performance test period. Depending on the duration of each integrated sampling period, you may not be able to calculate the 30 kiln operating day emissions value until several days after the end of the 30 kiln operating day performance test period. (63.1348(a)(5)(i))
- 22.12.5.2 For example, a sorbent trap monitoring system producing an integrated 7-day sample will provide Hg concentration data for each hour of the first 28 kiln operating days (i.e., four values spanning 7 days each) of a 30 operating day period. The Hg concentration values for the hours of the last 2 days of the 30 operating day period will not be available for calculating the emissions for the performance test period until at least five days after the end of the subject period. (63.1348(a)(5)(i))
- 22.12.6 *HCl Compliance.* If you are subject to limitations on HCl emissions under §63.1343(b) (Condition 22.4), you must demonstrate initial compliance with the HCl standards by using the performance test methods and procedures in §63.1349(b)(6) (Condition 22.22). (63.1348(a)(6))
- 22.12.6.1 For an affected source that is equipped with a wet scrubber, tray tower or dry scrubber, you may demonstrate initial compliance by conducting a performance test as specified in §63.1349(b)(6)(i) (Condition 22.22). You must determine the HCl concentration for

each run and calculate the arithmetic average of the concentrations measured for the three runs to determine compliance. You must also establish appropriate site-specific operational parameter limits. (63.1348(a)(6)(i))

- 22.12.7 *Commingled Exhaust Requirements.* If the coal mill exhaust is commingled with kiln exhaust in a single stack, you may demonstrate compliance with the kiln emission limits by either §63.1348(a)(7)(i) or (ii). (63.1348(a)(7))
- 22.13 *Continuous Monitoring Requirements.* You must demonstrate compliance with the emissions standards and operating limits by using the performance test methods and procedures in §§63.1350 and 63.8 for each affected source. (63.1348(b))
- 22.13.1 *General Requirements.* (63.1348(b))
- 22.13.1.1 You must monitor and collect data according to §63.1350 and the site-specific monitoring plan required by §63.1350(p) (Condition 22.42). (63.1348(b)(1)(i))
- 22.13.1.2 Except for periods of startup and shutdown, monitoring system malfunctions, repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or quality control activities (including, as applicable, calibration checks and required zero and span adjustments), you must operate the monitoring system and collect data at all required intervals at all times the affected source is operating. (63.1348(b)(1)(ii))
- 22.13.1.3 You may not use data recorded during monitoring system startup, shutdown or malfunctions or repairs associated with monitoring system malfunctions in calculations used to report emissions or operating levels. A monitoring system malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring system to provide valid data. Monitoring system failures that are caused in part by poor maintenance or careless operation are not malfunctions. You must use all the data collected during all other periods in assessing the operation of the control device and associated control system. (63.1348(b)(1)(iii))
- 22.13.1.4 *Clinker Production.* If you are subject to limitations on mercury emissions (lb/MM tons of clinker) under §63.1343(b) (Condition 22.4), you must determine the hourly production rate of clinker according to the requirements of §63.1350(d) (Condition 22.32). (63.1348(b)(1)(iv))
- 22.13.2 *PM Compliance.* If you are subject to limitations on PM emissions under §63.1343(b) (Condition 22.4), you must use the monitoring methods and procedures in §63.1350(b) and (d) (Conditions 22.31 and 22.32). (63.1348(b)(2))

- 22.13.3 *Opacity Compliance.* If you are subject to the limitations on opacity under §63.1345 (Condition 22.6), you must demonstrate compliance using the monitoring methods and procedures in §63.1350(f) (Condition 22.33) based on the maximum 6-minute average opacity exhibited during the performance test period. You must initiate corrective actions within one hour of detecting visible emissions above the applicable limit. (63.1348(b)(3))
- 22.13.4 *D/F Compliance.* If you are subject to a D/F emissions limitation under §63.1343(b) (Condition 22.4), you must demonstrate compliance using a CMS that is installed, operated and maintained to record the temperature of specified gas streams in accordance with the requirements of §63.1350(g) (Condition 22.34). (63.1348(b)(4))
- 22.13.5 *THC Compliance.* If you are subject to limitations on THC emissions under §63.1343(b) (Condition 22.4), you must demonstrate compliance using the monitoring methods and procedures in §63.1350(i) and (j) (Conditions 22.35 and 22.36). (63.1348(b)(6)(i))
- 22.13.5.1 THC must be measured either upstream of the coal mill or in the coal mill stack. (63.1348(b)(6)(ii))
- 22.13.6 *Mercury Compliance.* If you are subject to limitations on mercury emissions in §63.1343(b) (Condition 22.4), you must demonstrate compliance using the monitoring methods and procedures in §63.1350(k) (Condition 22.37). If you use an integrated sorbent trap monitoring system to determine ongoing compliance, use the procedures described in §63.1348(a)(5) (Condition 22.12.5) to assign hourly mercury concentration values and to calculate rolling 30 operating day emissions rates. Since you assign the mercury concentration measured with the sorbent trap to each relevant hour respectively for each operating day of the integrated period, you may schedule the sorbent trap change periods to any time of the day (i.e., the sorbent trap replacement need not be scheduled at 12:00 midnight nor must the sorbent trap replacements occur only at integral 24-hour intervals). (63.1348(b)(7)(i))
- 22.13.6.1 Mercury must be measured either upstream of the coal mill or in the coal mill stack. (63.1348(b)(7)(ii))
- 22.13.7 *HCl Compliance.* If you are subject to limitations on HCl emissions under §63.1343(b) (Condition 22.4), you must demonstrate compliance using the performance test methods and procedures in §63.1349(b)(6) (Condition 22.22). (63.1348(b)(8))
- 22.13.7.1 HCl may be measured either upstream of the coal mill or in the coal mill stack. (63.1348(b)(8)(iii))
- 22.13.7.2 As an alternative to 63.1348(b)(8)(ii), you may use an SO₂ CEMS to establish an SO₂ operating level during your initial and repeat HCl performance tests and monitor the SO₂ level using the

procedures in §63.1350(l)(3) (Condition 22.38.1).
(63.1348(b)(8)(iv))

- 22.13.8 *Startup and Shutdown Compliance.* All dry sorbent and activated carbon systems that control hazardous air pollutants must be turned on and operating at the time the gas stream at the inlet to the baghouse or ESP reaches 300 degrees Fahrenheit (five minute average) during startup. Temperature of the gas stream is to be measured at the inlet of the baghouse or ESP every minute. Such injection systems can be turned off during shutdown. Particulate control and all remaining devices that control hazardous air pollutants should be operational during startup and shutdown. (63.1348(b)(9))
- 22.14 *Changes in operations.* (63.1348(c))
- 22.14.1 If you plan to undertake a change in operations that may adversely affect compliance with an applicable standard, operating limit, or parametric monitoring value under this subpart, the source must conduct a performance test as specified in §63.1349(b). (63.1348(c)(1))
- 22.14.2 In preparation for and while conducting a performance test required in §63.1349(b), you may operate under the planned operational change conditions for a period not to exceed 360 hours, provided that the conditions in 63.1348(c)(2)(i) through (c)(2)(iv) are met. You must submit temperature and other monitoring data that are recorded during the pretest operations. (63.1348(c)(2))
- 22.15 *General duty to minimize emissions.* At all times you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. (63.1348(d))

Performance testing requirements. (§ 63.1349)

- 22.16 You must document performance test results in complete test reports that contain the information required by 63.1349(a)(1) through (10), as well as all other relevant information. As described in §63.7(c)(2)(i), you must make available to the Administrator prior to testing, if requested, the site-specific test plan to be followed during performance testing. For purposes of determining exhaust gas flow rate to the atmosphere from an alkali bypass stack or a coal mill stack, you must either install, operate, calibrate and maintain an instrument for continuously measuring and recording the exhaust gas flow rate according to the requirements in paragraphs §63.1350(n)(1) through (10) (Condition 22.40) of this subpart or use the maximum design exhaust gas flow rate. For purposes of determining the combined emissions from kilns equipped with an alkali bypass or that exhaust kiln gases

to a coal mill that exhausts through a separate stack, instead of installing a CEMS on the alkali bypass stack or coal mill stack, you may use the results of the initial and subsequent performance test to demonstrate compliance with the relevant emissions limit. (63.1349(a))

22.17 *PM emissions tests.* The owner or operator of a kiln and clinker cooler subject to limitations on PM emissions shall demonstrate initial compliance by conducting a performance test using Method 5 or Method 5I at appendix A-3 to part 60 of this chapter. You must also monitor continuous performance through use of a PM continuous parametric monitoring system (PM CPMS). (63.1349(b)(1))

22.17.1 For your PM CPMS, you will establish a site-specific operating limit. If your PM performance test demonstrates your PM emission levels to be below 75 percent of your emission limit you will use the average PM CPMS value recorded during the PM compliance test, the milliamp or digital equivalent of zero output from your PM CPMS, and the average PM result of your compliance test to establish your operating limit. If your PM compliance test demonstrates your PM emission levels to be at or above 75 percent of your emission limit you will use the average PM CPMS value recorded during the PM compliance test to establish your operating limit. You will use the PM CPMS to demonstrate continuous compliance with your operating limit. You must repeat the performance test annually and reassess and adjust the site-specific operating limit in accordance with the results of the performance test. (63.1349(b)(1)(i))

22.17.1.1 Your PM CPMS must provide a 4-20 milliamp or digital signal output and the establishment of its relationship to manual reference method measurements must be determined in units of milliamps or the monitors digital equivalent. (63.1349(b)(1)(i)(A))

22.17.1.2 Your PM CPMS operating range must be capable of reading PM concentrations from zero to a level equivalent to three times your allowable emission limit. If your PM CPMS is an auto-ranging instrument capable of multiple scales, the primary range of the instrument must be capable of reading PM concentration from zero to a level equivalent to three times your allowable emission limit. (63.1349(b)(1)(i)(B))

22.17.1.3 During the initial performance test or any such subsequent performance test that demonstrates compliance with the PM limit, record and average all milliamp or digital output values from the PM CPMS for the periods corresponding to the compliance test runs (e.g., average all your PM CPMS output values for three corresponding Method 5I test runs). (63.1349(b)(1)(i)(C))

22.17.2 Determine your operating limit as specified in 63.1349(b)(1)(iii) through (iv) (Conditions 22.17.3 and 22.17.4). If your PM performance test demonstrates your PM emission levels to be below 75 percent of your emission limit you will use the average PM CPMS value recorded during the PM compliance test, the

milliamp or digital equivalent of zero output from your PM CPMS, and the average PM result of your compliance test to establish your operating limit. If your PM compliance test demonstrates your PM emission levels to be at or above 75 percent of your emission limit you will use the average PM CPMS value recorded during the PM compliance test to establish your operating limit. You must verify an existing or establish a new operating limit after each repeated performance test. You must repeat the performance test at least annually and reassess and adjust the site-specific operating limit in accordance with the results of the performance test. (63.1349(b)(1)(ii))

- 22.17.3 If the average of your three Method 5 or 5I compliance test runs is below 75 percent of your PM emission limit, you must calculate an operating limit by establishing a relationship of PM CPMS signal to PM concentration using the PM CPMS instrument zero, the average PM CPMS values corresponding to the three compliance test runs, and the average PM concentration from the Method 5 or 5I compliance test with the procedures in 63.1349(b)(1)(iii)(A) through (D). (63.1349(b)(1)(iii))
- 22.17.3.1 Determine your PM CPMS instrument zero output with one of the procedures in 63.1349(b)(1)(ii)(A)(1) through (4). (63.1349(b)(1)(iii)(A))
- 22.17.3.2 Determine your PM CPMS instrument average in milliamps or digital equivalent, and the average of your corresponding three PM compliance test runs, using equation 3 in 63.1349(b)(1)(ii)(B)). (63.1349(b)(1)(iii)(B))
- 22.17.3.3 With your instrument zero expressed in milliamps or a digital value, your three run average PM CPMS milliamp or digital signal value, and your three run PM compliance test average, determine a relationship of lb/ton-clinker per milliamp or digital signal value with Equation 4 in 63.1349(b)(1)(iii)(C)). (63.1349(b)(1)(ii)(C))
- 22.17.3.4 Determine your source specific 30-day rolling average operating limit using the lb/ton-clinker per milliamp or digital signal value from Equation 4 in Equation 5, below. This sets your operating limit at the PM CPMS output value corresponding to 75 percent of your emission limit. (63.1349(b)(1)(iii)(D))
- 22.17.4 If the average of your three PM compliance test runs is at or above 75 percent of your PM emission limit you must determine your operating limit by averaging the PM CPMS milliamp or digital equivalent output corresponding to your three PM performance test runs that demonstrate compliance with the emission limit using Equation 6. (63.1349(b)(1)(iv))
- 22.17.5 To determine continuous operating compliance, you must record the PM CPMS output data for all periods when the process is operating, and use all the PM CPMS data for calculations when the source is not out-of-control. You must

demonstrate continuous compliance by using all quality-assured hourly average data collected by the PM CPMS for all operating hours to calculate the arithmetic average operating parameter in units of the operating limit (milliamps or the digital equivalent) on a 30 operating day rolling average basis, updated at the end of each new kiln operating day. Use Equation 7 to determine the 30 kiln operating day average. (63.1349(b)(1)(v))

22.17.6 For each performance test, conduct at least three separate test runs each while the mill is on and the mill is off, under the conditions that exist when the affected source is operating at the level reasonably expected to occur. Conduct each test run to collect a minimum sample volume of 2 dscm for determining compliance with a new source limit and 1 dscm for determining compliance with an existing source limit. Calculate the time weighted average of the results from three consecutive runs, including applicable sources as required by (b)(1)(viii), to determine compliance. You need not determine the particulate matter collected in the impingers (“back half”) of the Method 5 or Method 5I particulate sampling train to demonstrate compliance with the PM standards of this subpart. This shall not preclude the permitting authority from requiring a determination of the “back half” for other purposes. (63.1349(b)(1)(vi))

22.17.7 For PM performance test reports used to set a PM CPMS operating limit, the electronic submission of the test report must also include the make and model of the PM CPMS instrument, serial number of the instrument, analytical principle of the instrument (e.g. beta attenuation), span of the instruments primary analytical range, milliamp value or digital equivalent to the instrument zero output, technique by which this zero value was determined, and the average milliamp or digital equivalent signals corresponding to each PM compliance test run. (63.1349(b)(1)(vii))

22.17.8 When there is an alkali bypass and/or an inline coal mill with a separate stack associated with a kiln, the main exhaust and alkali bypass and/or inline coal mill must be tested simultaneously and the combined emission rate of PM from the kiln and alkali bypass and/or inline coal mill must be computed for each run using Equation 8 of this section. (63.1349(b)(1)(viii))

Note that the inline coal mill does not have a separate stack but the kiln is equipped with an alkali bypass.

22.18 *Opacity tests.* If you are subject to limitations on opacity under this subpart, you must conduct opacity tests in accordance with Method 9 of appendix A-4 to part 60 of this chapter. The duration of the Method 9 performance test must be 3 hours (30 6-minute averages), except that the duration of the Method 9 performance test may be reduced to 1 hour if the conditions below apply. For batch processes that are not run for 3-hour periods or longer, compile observations totaling 3 hours when the unit is operating. (63.1349(b)(2))

22.18.1 There are no individual readings greater than 10 percent opacity (63.1349(b)(2)(i));

- 22.18.2 There are no more than three readings of 10 percent for the first 1-hour period. (63.1349(b)(2)(ii))
- 22.19 *D/F Emissions Tests.* If you are subject to limitations on D/F emissions under this subpart, you must conduct a performance test using Method 23 of appendix A-7 to part 60 of this chapter. If your kiln or in-line kiln/raw mill is equipped with an alkali bypass, you must conduct simultaneous performance tests of the kiln or in-line kiln/raw mill exhaust and the alkali bypass. You may conduct a performance test of the alkali bypass exhaust when the raw mill of the in-line kiln/raw mill is operating or not operating. (63.1349(b)(3))
- 22.19.1 Each performance test must consist of three separate runs conducted under representative conditions. The duration of each run must be at least 3 hours, and the sample volume for each run must be at least 2.5 dscm (90 dscf). (63.1349(b)(3)(i))
- 22.19.2 The temperature at the inlet to the kiln or in-line kiln/raw mill PMCD, and, where applicable, the temperature at the inlet to the alkali bypass PMCD must be continuously recorded during the period of the Method 23 test, and the continuous temperature record(s) must be included in the performance test report. (63.1349(b)(3)(ii))
- 22.19.3 Average temperatures must be calculated for each run of the performance test. (63.1349(b)(3)(iii))
- 22.19.4 The run average temperature must be calculated for each run, and the average of the run average temperatures must be determined and included in the performance test report and will determine the applicable temperature limit in accordance with §63.1346(b), footnote 2 (Condition 22.4). (63.1349(b)(3)(iv))
- 22.20 *THC emissions test.* If you are subject to limitations on THC emissions, you must operate a CEMS in accordance with the requirements in §63.1350(i) (Condition 22.35). For the purposes of conducting the accuracy and quality assurance evaluations for CEMS, the THC span value (as propane) is 50 ppmvw and the reference method (RM) is Method 25A of appendix A to part 60 of this chapter. (63.1349(b)(4)(i))
- 22.20.1 Use the THC CEMS to conduct the initial compliance test for the first 30 kiln operating days of kiln operation after the compliance date of the rule. See §63.1348(a) (Condition 22.12). (63.1349(b)(4)(ii))
- 22.20.2 If kiln gases are diverted through an alkali bypass or to a coal mill and exhausted through a separate stack, you must calculate a kiln-specific THC limit using Equation 9. (63.1349(b)(4)(iii))

Note that the inline coal mill does not have a separate stack but the kiln is equipped with an alkali bypass.

- 22.20.3 THC must be measured either upstream of the coal mill or the coal mill stack. (63.1349(b)(4)(iv))
- 22.20.4 Instead of conducting the performance test specified in §63.1349(b)(4) (Condition 22.20), you may conduct a performance test to determine emissions of total organic HAP by following the procedures in §63.1349(b)(7) (Condition 22.23). (63.1349(b)(4)(v))
- 22.21 *Mercury Emissions Tests.* If you are subject to limitations on mercury emissions, you must operate a mercury CEMS or a sorbent trap monitoring system in accordance with the requirements of §63.1350(k) (Condition 22.37). The initial compliance test must be based on the first 30 kiln operating days in which the affected source operates using a mercury CEMS or a sorbent trap monitoring system after the compliance date of the rule. See §63.1348(a) (Condition 22.12). (63.1349(b)(5))
- 22.21.1 If you are using a mercury CEMS or a sorbent trap monitoring system, you must install, operate, calibrate, and maintain an instrument for continuously measuring and recording the exhaust gas flow rate to the atmosphere according to the requirements in §63.1350(k)(5) (Condition 22.37). (63.1349(b)(5)(i))
- 22.21.2 Calculate the emission rate using Equation 10 of this section. (63.1349(b)(5)(ii))
- 22.22 *HCl emissions tests.* For a source subject to limitations on HCl emissions you must conduct performance testing by one of the methods in §63.1349(b)(6)(i). (63.1349(b)(6))
- 22.22.1 As an alternative to paragraph (b)(6)(i)(B) of this section, you may choose to monitor SO₂ emissions using a CEMS in accordance with the requirements of §63.1350(l)(3) (Condition 22.38.1). You must establish an SO₂ operating limit equal to the average recorded during the HCl stack test where the HCl stack test run result demonstrates compliance with the emission limit. This operating limit will apply only for demonstrating HCl compliance. (63.1349(b)(6)(iii))
- 22.22.2 If kiln gases are diverted through an alkali bypass or to a coal mill and exhausted through a separate stack, you must calculate a kiln-specific HCl limit using Equation 11. (63.1349(b)(6)(iv))
- 22.23 *Total Organic HAP Emissions Tests.* Instead of conducting the performance test specified in §63.1349(b)(4) (Condition 22.20), you may conduct a performance test to determine emissions of total organic HAP by following the procedures in 63.1349(b)(7)(i) through (v) (see below). Note that 63.1349(b)(7)(iii) does not apply since the kiln does not have an in-line raw mill. (63.1349(b)(7))
- 22.23.1 Use Method 320 of appendix A to this part, Method 18 of Appendix A of part 60, ASTM D6348-03 or a combination to determine emissions of total organic HAP. Each performance test must consist of three separate runs under the conditions that exist when the affected source is operating at the representative

performance conditions in accordance with §63.7(e). Each run must be conducted for at least 1 hour. (63.1349(b)(7)(i))

22.23.2 At the same time that you are conducting the performance test for total organic HAP, you must also determine a site-specific THC emissions limit by operating a THC CEMS in accordance with the requirements of §63.1350(j) (Condition 22.36). The duration of the performance test must be at least 3 hours and the average THC concentration (as calculated from the recorded output) during the 3-hour test must be calculated. You must establish your THC operating limit and determine compliance with it according to 63.1349(b)(7)(vii) and (viii) (Conditions 22.23.6 and 22.23.7). It is permissible to extend the testing time of the organic HAP performance test if you believe extended testing is required to adequately capture organic HAP and/or THC variability over time. (63.1349(b)(7)(ii))

22.23.3 If your organic HAP emissions are below 75 percent of the organic HAP standard and you determine your operating limit with 63.1349(b)(7)(vii) (Condition 22.23.6) your THC CEMS must be calibrated and operated on a measurement scale no greater than 180 ppmvw, as carbon, or 60 ppmvw as propane. (63.1349(b)(7)(iv))

22.23.4 If your kiln has an inline coal mill and/or an alkali bypass with separate stacks, you are required to measure and account for oHAP emissions from their separate stacks. You are required to measure oHAP at the coal mill inlet or outlet and you must also measure oHAP at the alkali bypass outlet. You must then calculate a flow weighted average oHAP concentration for all emission sources including the inline coal mill and the alkali bypass. (63.1349(b)(7)(v))

Note that the in-line coal mill does not have a separate stack but the kiln is equipped with an alkali bypass.

22.23.5 Your THC CEMS measurement scale must be capable of reading THC concentrations from zero to a level equivalent to two times your highest THC emissions average determined during your performance test, including mill on or mill off operation. **Note:** This may require the use of a dual range instrument to meet this requirement and 63.1349(b)(7)(iv) (Condition 22.23.3). (63.1349(b)(7)(vi))

22.23.6 Determine your operating limit as specified in 63.1349(b)(7)(viii) and (ix) (Conditions 22.23.7 and 22.23.8). If your organic HAP performance test demonstrates your average organic HAP emission levels are below 75 percent of your emission limit (9 ppmv) you will use the average THC value recorded during the organic HAP performance test, and the average total organic HAP result of your performance test to establish your operating limit. If your organic HAP compliance test results demonstrate that your average organic HAP emission levels are at or above 75 percent of your emission limit, your operating limit is established as the average THC value recorded during the organic HAP

performance test. You must establish a new operating limit after each performance test. You must repeat the performance test no later than 30 months following your last performance test and reassess and adjust the site-specific operating limit in accordance with the results of the performance test. (63.1349(b)(7)(vii))

- 22.23.7 If the average organic HAP results for your three Method 18 and/or Method 320 performance test runs are below 75 percent of your organic HAP emission limit, you must calculate an operating limit by establishing a relationship of THC CEMS signal to the organic HAP concentration using the average THC CEMS value corresponding to the three organic HAP compliance test runs and the average organic HAP total concentration from the Method 18 and/or Method 320 performance test runs with the procedures in 63.1349(b)(7)(viii)(A) and (B). (63.1349(b)(7)(viii))
- 22.23.8 If the average of your three organic HAP performance test runs is at or above 75 percent of your organic HAP emission limit, you must determine your operating limit using Equation 14 by averaging the THC CEMS output values corresponding to your three organic HAP performance test runs that demonstrate compliance with the emission limit. If your new THC CEMS value is below your current operating limit, you may opt to retain your current operating limit, but you must still submit all performance test and THC CEMS data according to the reporting requirements in 63.1349(d)(1) (Condition 22.26.1). (63.1349(b)(7)(ix))
- 22.23.9 To determine continuous compliance with the THC operating limit, you must record the THC CEMS output data for all periods when the process is operating and the THC CEMS is not out-of-control. You must demonstrate continuous compliance by using all quality-assured hourly average data collected by the THC CEMS for all operating hours to calculate the arithmetic average operating parameter in units of the operating limit (ppmvw) on a 30 operating day rolling average basis, updated at the end of each new kiln operating day. Use Equation 16 to determine the 30 kiln operating day average. (63.1349(b)(7)(xi))
- 22.23.10 Use EPA Method 18 or Method 320 of appendix A to part 60 of this chapter to determine organic HAP emissions. For each performance test, conduct at least three separate runs under the conditions that exist when the affected source is operating at the level reasonably expected to occur. If your source has an in-line kiln/raw mill you must conduct three separate test runs with the raw mill on, and three separate runs under the conditions that exist when the affected source is operating at the level reasonably expected to occur with the mill off. Conduct each Method 18 test run to collect a minimum target sample equivalent to three times the method detection limit. Calculate the average of the results from three runs to determine compliance. (63.1349(b)(7)(xii))

- 22.23.11 If the THC level exceeds by 10 percent or more your site-specific THC emissions limit, you must
- 22.23.11.1 As soon as possible but no later than 30 days after the exceedance, conduct an inspection and take corrective action to return the THC CEMS measurements to within the established value (63.1349(b)(7)(xiii)(A)); and
 - 22.23.11.2 Within 90 days of the exceedance or at the time of the 30 month compliance test, whichever comes first, conduct another performance test to determine compliance with the organic HAP limit and to verify or re-establish your site-specific THC emissions limit. (63.1349(b)(7)(xiii)(B))
- 22.24 *HCl Emissions Tests with SO₂ Monitoring.* If you choose to monitor SO₂ emissions using a CEMS to demonstrate HCl compliance, follow the procedures in 63.1349(b)(8)(i) through (ix) (see below) and in accordance with the requirements of §63.1350(l)(3) (Condition 22.38.1). You must establish an SO₂ operating limit equal to the average recorded during the HCl stack test. This operating limit will apply only for demonstrating HCl compliance. (63.1349(b)(8))
- 22.24.1 Use Method 321 of appendix A to this part to determine emissions of HCl. Each performance test must consist of three separate runs under the conditions that exist when the affected source is operating at the representative performance conditions in accordance with §63.7(e). Each run must be conducted for at least one hour. (63.1349(b)(8)(i))
 - 22.24.2 At the same time that you are conducting the performance test for HCl, you must also determine a site-specific SO₂ emissions limit by operating an SO₂ CEMS in accordance with the requirements of §63.1350(l) (Condition 22.38). The duration of the performance test must be three hours and the average SO₂ concentration (as calculated from the average output) during the 3-hour test must be calculated. You must establish your SO₂ operating limit and determine compliance with it according to 63.1349(b)(8)(vii) and (viii) (Conditions 22.24.5 and 22.24.6). (63.1349(b)(8)(ii))
 - 22.24.3 Your SO₂ CEMS must be calibrated and operated according to the requirements of §60.63(f) (Condition 18.5). (63.1349(b)(8)(iv))
 - 22.24.4 Your SO₂ CEMS measurement scale must be capable of reading SO₂ concentrations consistent with the requirements of §60.63(f), including mill on or mill off operation. (63.1349(b)(8)(v))
 - 22.24.5 If the average of your three HCl compliance test runs is below 75 percent of your HCl emission limit, you may as a compliance alternative, calculate an operating limit by establishing a relationship of SO₂ CEMS signal to your HCl concentration corrected to 7 percent O₂ by using the SO₂ CEMS instrument zero, the average SO₂ CEMS values corresponding to the three compliance test

runs, and the average HCl concentration from the HCl compliance test with the procedures in 63.1349(b)(8)(vii)(A) through (D). (63.1349(b)(8)(vii))

22.24.6 To determine continuous compliance with the SO₂ operating limit, you must record the SO₂ CEMS output data for all periods when the process is operating and the SO₂ CEMS is not out-of-control. You must demonstrate continuous compliance by using all quality-assured hourly average data collected by the SO₂ CEMS for all operating hours to calculate the arithmetic average operating parameter in units of the operating limit (ppmvw) on a 30 operating day rolling average basis, updated at the end of each new kiln operating day. Use Equation 21 to determine the 30 kiln operating day average. (63.1349(b)(8)(viii))

22.24.7 Use EPA Method 321 of appendix A to part 60 of this chapter to determine HCl emissions. For each performance test, conduct at least three separate runs under the conditions that exist when the affected source is operating at the level reasonably expected to occur. If your source has an in-line kiln/raw mill you must conduct three separate test runs with the raw mill on, and three separate runs under the conditions that exist when the affected source is operating at the level reasonably expected to occur with the mill off. (63.1349(b)(8)(ix))

22.24.8 If the SO₂ level exceeds by 10 percent or more your site-specific SO₂ emissions limit, you must (63.1349(b)(8)(x)):

22.24.8.1 As soon as possible but no later than 30 days after the exceedance, conduct an inspection and take corrective action to return the SO₂ CEMS measurements to within the established value (63.1349(b)(8)(x)(A));

22.24.8.2 Within 90 days of the exceedance or at the time of the periodic compliance test, whichever comes first, conduct another performance test to determine compliance with the HCl limit and to verify or re-establish your site-specific SO₂ emissions limit. (63.1349(b)(8)(x)(B))

22.25 *Performance test frequency.* Except as provided in §63.1348(b), performance tests are required at regular intervals for affected sources that are subject to a dioxin, organic HAP or HCl emissions limit. Performance tests required every 30 months must be completed no more than 31 calendar months after the previous performance test except where that specific pollutant is monitored using CEMS; performance tests required every 12 months must be completed no more than 13 calendar months after the previous performance test. (63.1349(c))

Note that as specified in §63.1349(b)(1)(i) (Condition 22.17.1) and §63.1350(b)(1)(i) and (B)(1)(iii)(C) (Conditions 22.31.1 and 22.31.3.3) performance tests for PM are required at least annually.

22.26 *Performance Test Reporting Requirements.* (63.1349(d))

- 22.26.1 You must submit the information specified in §63.1349(d)(1) and (2) no later than 60 days following the initial performance test. All reports must be signed by a responsible official. (63.1349(d)(1))
- 22.26.1.1 The initial performance test data as recorded under §63.1349(b). (63.1349(d)(1))
- 22.26.1.2 The values for the site-specific operating limits or parameters established pursuant to 63.1349(b)(1), (3), (6), (7), and (8), as applicable, and a description, including sample calculations, of how the operating parameters were established during the initial performance test. (63.1349(d)(2))
- 22.26.2 As of December 31, 2011 and within 60 days after the date of completing each performance evaluation or test, as defined in §63.2, conducted to demonstrate compliance with any standard covered by this subpart, you must submit the relative accuracy test audit data and performance test data, except opacity data, to the EPA by successfully submitting the data electronically to the EPA's Central Data Exchange (CDX) by using the Electronic Reporting Tool(ERT) (see http://www.epa.gov/ttn/chief/ert/ert_tool.html/). (63.1349(d)(2))
- 22.27 *Conditions of performance tests.* Conduct performance tests under such conditions as the Administrator specifies to the owner or operator based on representative performance of the affected source for the period being tested. Upon request, you must make available to the Administrator such records as may be necessary to determine the conditions of performance tests. (63.1349(e))

Monitoring requirements. (§ 63.1350)

- 22.28 Following the compliance date, the owner or operator must demonstrate compliance with this subpart on a continuous basis by meeting the requirements of this section. (63.1350(a)(1))
- 22.29 For each existing unit that is equipped with a CMS, maintain the average emissions or the operating parameter values within the operating parameter limits established through performance tests. (63.1350(a)(3))
- 22.30 Any instance where the owner or operator fails to comply with the continuous monitoring requirements of this section is a violation. (63.1350(a)(4))
- 22.31 *PM monitoring requirements. PM CPMS.* (63.1350(b)(1))
- 22.31.1 You will use a PM CPMS to establish a site-specific operating limit corresponding to the results of the performance test demonstrating compliance with the PM limit. You will conduct your performance test using Method 5 or Method 5I at appendix A-3 to part 60 of this chapter. You will use the PM CPMS to demonstrate continuous compliance with this operating limit. You must repeat the performance test annually and reassess and adjust the site-

specific operating limit in accordance with the results of the performance test using the procedures in §63.1349(b)(1) (i) through (vi) of this subpart (Condition 22.17.1 through 22.17.6). You must also repeat the test if you change the analytical range of the instrument, or if you replace the instrument itself or any principle analytical component of the instrument that would alter the relationship of output signal to in-stack PM concentration. (63.1350(b)(1)(i))

- 22.31.2 To determine continuous compliance, you must use the PM CPMS output data for all periods when the process is operating and the PM CPMS is not out-of-control. You must demonstrate continuous compliance by using all quality-assured hourly average data collected by the PM CPMS for all operating hours to calculate the arithmetic average operating parameter in units of the operating limit (milliamps) on a 30 operating day rolling average basis, updated at the end of each new kiln operating day. (63.1350(b)(1)(ii))
- 22.31.3 For any exceedance of the 30 process operating day PM CPMS average value from the established operating parameter limit, you must (63.1350(b)(1)(iii)):
 - 22.31.3.1 Within 48 hours of the exceedance, visually inspect the APCD (63.1350(b)(1)(iii)(A));
 - 22.31.3.2 If inspection of the APCD identifies the cause of the exceedance, take corrective action as soon as possible and return the PM CPMS measurement to within the established value (63.1350(b)(1)(iii)(B)); and
 - 22.31.3.3 Within 30 days of the exceedance or at the time of the annual compliance test, whichever comes first, conduct a PM emissions compliance test to determine compliance with the PM emissions limit and to verify or re-establish the PM CPMS operating limit within 45 days. You are not required to conduct additional testing for any exceedances that occur between the time of the original exceedance and the PM emissions compliance test required under this paragraph. (63.1350(b)(1)(iii)(C))
- 22.31.4 PM CPMS exceedances leading to more than four required performance tests in a 12-month process operating period (rolling monthly) constitute a presumptive violation of this subpart. (63.1350(b)(1)(iv))
- 22.32 *Clinker production monitoring requirements.* In order to determine clinker production, you must (63.1350(d)):
 - 22.32.1 Determine hourly clinker production by one of two methods as set forth in 63.1350(d)(1)(i) and (ii). (63.1350(d)(1))
 - 22.32.2 Determine, record, and maintain a record of the accuracy of the system of measuring hourly clinker production (or feed mass flow if applicable) before

initial use (for new sources) or by the effective compliance date of this rule (for existing sources). During each quarter of source operation, you must determine, record, and maintain a record of the ongoing accuracy of the system of measuring hourly clinker production (or feed mass flow). (63.1350(d)(2))

- 22.32.3 If you measure clinker production directly, record the daily clinker production rates; if you measure the kiln feed rates and calculate clinker production, record the hourly kiln feed and clinker production rates. (63.1350(d)(3))
- 22.32.4 Develop an emissions monitoring plan in accordance with 63.1350(p)(1) through (p)(4) (Condition 22.42). (63.1350(d)(4))
- 22.33 *Opacity monitoring requirements.* If you are subject to a limitation on opacity under §63.1345 (Condition 22.6), you must conduct required opacity monitoring in accordance with the provisions of 63.1350(f)(1)(i) through (vii) (Condition 22.33.1.1 through 22.33.1.7) and in accordance with your monitoring plan developed under §63.1350(p) (Condition 22.42). You must also develop an opacity monitoring plan in accordance with 63.1350(p)(1) through (4) (Condition 22.42) and paragraph (o)(5), if applicable. (63.1350(f))
- 22.33.1 Opacity monitoring for sources subject to opacity requirements in 63.1345
- 22.33.1.1 You must conduct a monthly 10-minute visible emissions test of each affected source in accordance with Method 22 of appendix A-7 to part 60 of this chapter. The performance test must be conducted while the affected source is in operation. (63.1350(f)(1)(i))
- 22.33.1.2 If no visible emissions are observed in six consecutive monthly tests for any affected source, the owner or operator may decrease the frequency of performance testing from monthly to semi-annually for that affected source. If visible emissions are observed during any semi-annual test, you must resume performance testing of that affected source on a monthly basis and maintain that schedule until no visible emissions are observed in six consecutive monthly tests. (63.1350(f)(1)(ii))
- 22.33.1.3 If no visible emissions are observed during the semi-annual test for any affected source, you may decrease the frequency of performance testing from semi-annually to annually for that affected source. If visible emissions are observed during any annual performance test, the owner or operator must resume performance testing of that affected source on a monthly basis and maintain that schedule until no visible emissions are observed in six consecutive monthly tests. (63.1350(f)(1)(iii))
- 22.33.1.4 If visible emissions are observed during any Method 22 performance test, of appendix A-7 to part 60 of this chapter, you must conduct 30 minutes of opacity observations, recorded at 15-

second intervals, in accordance with Method 9 of appendix A-4 to part 60 of this chapter. The Method 9 performance test, of appendix A-4 to part 60 of this chapter, must begin within 1 hour of any observation of visible emissions. (63.1350(f)(1)(iv))

22.33.1.5 Any totally enclosed conveying system transfer point, regardless of the location of the transfer point is not required to conduct Method 22 visible emissions monitoring under this paragraph. The enclosures for these transfer points must be operated and maintained as total enclosures on a continuing basis in accordance with the facility operations and maintenance plan. (63.1350(f)(1)(v))

22.33.1.6 If any partially enclosed or unenclosed conveying system transfer point is located in a building, you must conduct a Method 22 performance test, of appendix A-7 to part 60 of this chapter, according to the requirements of 63.1350(f)(1)(i) through (iv) (Conditions 22.33.1.1 through 22.33.1.4) for each such conveying system transfer point located within the building, or for the building itself, according to 63.1350(f)(1)(vii) (Condition 22.33.1.7). (63.1350(f)(1)(vi))

22.33.1.7 If visible emissions from a building are monitored, the requirements of 63.1350(f)(1)(i) through (f)(1)(iv) (Conditions 22.33.1.1 through 22.33.1.4) apply to the monitoring of the building, and you must also test visible emissions from each side, roof, and vent of the building for at least 10 minutes. (63.1350(f)(1)(vii))

22.33.2 Opacity monitoring for raw and finish mills.

22.33.2.1 For a raw mill or finish mill, you must monitor opacity by conducting daily visible emissions observations of the mill sweep and air separator PM control devices (PMCD) of these affected sources in accordance with the procedures of Method 22 of appendix A-7 to part 60 of this chapter. The duration of the Method 22 performance test must be 6 minutes. (63.1350(f)(2)(i))

22.33.2.2 Within 24 hours of the end of the Method 22 performance test in which visible emissions were observed, the owner or operator must conduct a follow up Method 22 performance test of each stack from which visible emissions were observed during the previous Method 22 performance test. (63.1350(f)(2)(ii))

22.33.2.3 If visible emissions are observed during the follow-up Method 22 performance test required by 63.1350(f)(2)(ii) (Condition 22.33.2.2) from any stack from which visible emissions were observed during the previous Method 22 performance test required by paragraph (f)(2)(i) of the section, you must then conduct an opacity test of each stack from which emissions were observed during the follow up Method 22 performance test in accordance with Method 9 of

appendix A-4 to part 60 of this chapter. The duration of the Method 9 test must be 30 minutes. (63.1350(f)(2)(iii))

- 22.33.3 If visible emissions are observed during any Method 22 visible emissions test conducted under §63.1350(f)(1) or (2) (Conditions 22.33.1 and 22.33.2), you must initiate, within one-hour, the corrective actions specified in your operation and maintenance plan as required in §63.1347. (63.1350(f)(3))
- 22.34 *D/F monitoring requirements.* If you are subject to an emissions limitation on D/F emissions, you must comply with the monitoring requirements of 63.1350(g)(1) through (g)(6) (see below) and 63.1350(m)(1) through (m)(4) (Condition 22.39) to demonstrate continuous compliance with the D/F emissions standard. You must also develop an emissions monitoring plan in accordance with 63.1350 (p)(1) through (p)(4) (Condition 22.42). (63.1350(g)) Note that paragraphs (g)(5) and (6) were not included since the kiln does not have an in-line raw mill and there is no paragraph (g)(6).
- 22.34.1 You must install, calibrate, maintain, and continuously operate a CMS to record the temperature of the exhaust gases from the kiln and alkali bypass, if applicable, at the inlet to, or upstream of, the kiln and/or alkali bypass PMCDs. (63.1350(g)(1)) The temperature CMS must meet the requirements in §63.1350(g)(1)(i) through (iii).
- 22.34.2 You must monitor and continuously record the temperature of the exhaust gases from the kiln and alkali bypass, if applicable, at the inlet to the kiln and/or alkali bypass PMCD. (63.1350(g)(2))
- 22.34.3 The required minimum data collection frequency must be one minute. (63.1350(g)(3))
- 22.34.4 Calculate the rolling three-hour average temperature using the average of 180 successive one-minute average temperatures. See §63.1349(b)(3) (Condition 22.19). (63.1350(g)(4))
- 22.35 *THC Monitoring Requirements.* If you are subject to an emissions limitation on THC emissions, you must comply with the monitoring requirements of 6.1350(i)(1) and (i)(2) (see below) and (m)(1) through (m)(4) (Condition 22.39). You must also develop an emissions monitoring plan in accordance with 6.1350 (p)(1) through (p)(4) (Condition 22.42). (63.1350(i))
- 22.35.1 You must install, operate, and maintain a THC continuous emission monitoring system in accordance with Performance Specification 8 or Performance Specification 8A of appendix B to part 60 of this chapter and comply with all of the requirements for continuous monitoring systems found in the general provisions, subpart A of this part. The owner or operator must operate and maintain each CEMS according to the quality assurance requirements in Procedure 1 of appendix F in part 60 of this chapter. For THC continuous emission monitoring systems certified under Performance Specification 8A,

conduct the relative accuracy test audits required under Procedure 1 in accordance with Performance Specification 8, Sections 8 and 11 using Method 25A in appendix A to 40 CFR part 60 as the reference method; the relative accuracy must meet the criteria of Performance Specification 8, Section 13.2. (63.1350(i)(1))

- 22.35.2 Performance tests on alkali bypass and coal mill stacks must be conducted using Method 25A in appendix A to 40 CFR part 60 and repeated every 30 months. (63.1350(i)(2))

Note that the inline coal mill does not have a separate stack but the kiln is equipped with an alkali bypass.

- 22.36 *Total organic HAP monitoring requirements.* If you are complying with the total organic HAP emissions limits, you must continuously monitor THC according to 63.1350(i)(1) and (2) (Conditions 22.35.1 and 22.35.2) or in accordance with Performance Specification 8 or Performance Specification 8A of appendix B to part 60 of this chapter and comply with all of the requirements for continuous monitoring systems found in the general provisions, subpart A of this part. You must operate and maintain each CEMS according to the quality assurance requirements in Procedure 1 of appendix F in part 60 of this chapter. In addition, you must follow the monitoring requirements in 63.1350(m)(1) through (4) (Condition 22.39). You must also develop an emissions monitoring plan in accordance with 63.1350(p)(1) through (4) (Condition 22.42). (63.1350(j))

- 22.37 *Mercury monitoring requirements.* If you have a kiln subject to an emissions limitation on mercury emissions, you must install and operate a mercury continuous emissions monitoring system (Hg CEMS) in accordance with Performance Specification 12A (PS 12A) of appendix B to part 60 of this chapter or an integrated sorbent trap monitoring system in accordance with Performance Specification 12B (PS 12B) of appendix B to part 60 of this chapter. You must monitor mercury continuously according to 63.1350(k)(1) through (5) (see below). You must also develop an emissions monitoring plan in accordance with 63.1350 (p)(1) through (4) (Condition 22.42). (63.1350(k)) Note that the paragraphs (k)(1) through (k)(3) are not included since the source is using a sorbent trap system.

- 22.37.1 Relative accuracy testing of mercury monitoring systems under PS 12A, PS 12B, or Procedure 5 must be conducted at normal operating conditions. If a facility has an inline raw mill, the testing must occur with the raw mill on. (63.1350(k)(4))

- 22.37.2 If you use a Hg CEMS or an integrated sorbent trap monitoring system, you must install, operate, calibrate, and maintain an instrument for continuously measuring and recording the exhaust gas flow rate to the atmosphere according to the requirements in 63.1350(n)(1) through (10) (Condition 22.40). If kiln gases are diverted through an alkali bypass or to a coal mill and exhausted through separate stacks, you must account for the mercury emitted from those

stacks by following the procedures in §63.1350(k)(5)(i) through (iv). (63.1350(k)(5))

Note that the inline coal mill does not have a separate stack but the kiln is equipped with an alkali bypass.

22.37.3 If you operate an integrated sorbent trap monitoring system conforming to PS 12B, you may use a monitoring period at least 24 hours but no longer than 168 hours in length. You should use a monitoring period that is a multiple of 24 hours (except during relative accuracy testing as allowed in PS 12B). (63.1350(k)(6))

22.38 *HCl Monitoring Requirements.* If you are subject to an emissions limitation on HCl emissions in §63.1343, you must monitor HCl emissions continuously according to 63.1350(l)(1) or (2) and 63.1350(m)(1) through (4) (Condition 22.39) or, if your kiln is controlled using a wet or dry scrubber or tray tower, you alternatively may parametrically monitor SO₂ emissions continuously according to 63.1350(l)(3) (Condition 22.38.1). You must also develop an emissions monitoring plan in accordance with 63.1350(p)(1) through (4) (Condition 22.42). (63.1350(l))

22.38.1 If the source is equipped with a wet or dry scrubber or tray tower, and you choose to monitor SO₂ emissions, monitor SO₂ emissions continuously according to the requirements of §60.63(e) and (f) of part 60 subpart F of this chapter. If SO₂ levels increase above the 30-day rolling average SO₂ operating limit established during your performance test, you must (63.1350(l)(3)):

22.38.1.1 As soon as possible but no later than 48 hours after you exceed the established SO₂ value conduct an inspection and take corrective action to return the SO₂ emissions to within the operating limit (63.1350(l)(3)(i)); and

22.38.1.2 Within 60 days of the exceedance or at the time of the next compliance test, whichever comes first, conduct an HCl emissions compliance test to determine compliance with the HCl emissions limit and to verify or re-establish the SO₂ CEMS operating limit. (63.1350(l)(3)(ii))

22.39 *Parameter monitoring requirements.* If you have an operating limit that requires the use of a CMS, you must install, operate, and maintain each continuous parameter monitoring system (CPMS) according to the procedures in 63.1350(m)(1) through (4) by the compliance date specified in §63.1351. You must also meet the applicable specific parameter monitoring requirements in paragraphs (m)(5) through (11) that are applicable to you. (63.1350(m))

Note that the requirements in 63.1350(m)(5) through (11) do not apply because the source is using an SO₂ CEMS ((m)(5), (7) & (9)), does not use activated carbon for D/F limit ((m)(6)) and does not use bag leak detection systems (m(10) and (11)).

- 22.40 *Continuous Flow Rate Monitoring System.* You must install, operate, calibrate, and maintain instruments, according to the requirements in 63.1350(n)(1) through (10), for continuously measuring and recording the stack gas flow rate to allow determination of the pollutant mass emissions rate to the atmosphere from sources subject to an emissions limitation that has a pounds per ton of clinker unit and that is required to be monitored by a CEMS. (63.1350(n))
- 22.41 *Alternate monitoring requirements approval.* You may submit an application to the Administrator for approval of alternate monitoring requirements to demonstrate compliance with the emission standards of this subpart subject to the provisions of 63.1350(o)(1) through (6). (63.1350(o))
- 22.42 *Development and submittal (upon request) of monitoring plans.* If you demonstrate compliance with any applicable emissions limit through performance stack testing or other emissions monitoring, you must develop a site-specific monitoring plan according to the requirements in 63.1350(p)(1) through (4). This requirement also applies to you if you petition the EPA Administrator for alternative monitoring parameters under 63.1350(o) and §63.8(f). If you use a BLDS, you must also meet the requirements specified in 63.1350(p)(5). (63.1350(p))

Note that the source does not use a BLDS so the requirements in 63.1350 (p)(5) do not apply.

Compliance dates. (§ 63.1351)

- 22.43 The compliance date for any affected existing source subject to any rule requirements that were in effect before December 20, 2006, is June 14, 2002, for sources that commenced construction before or on March 24, 1998. (63.1351(a)(1))
- 22.44 The compliance date for any affected existing source subject to any rule requirements that became effective on December 20, 2006, is December 21, 2009, for sources that commenced construction after December 2, 2005 and before or on December 20, 2006. (63.1351(b)(1))
- 22.45 The compliance date for existing sources for all the requirements that became effective on February 12, 2013, except for the open clinker pile requirements will be September 9, 2015. (63.1351(c))

Note that in a letter dated June 11, 2015, the Division extended the compliance date until March 9, 2016.

- 22.46 The compliance date for existing sources with the requirements for open clinker storage piles in §63.1343(c) is February 12, 2014. (63.1351(e))

Additional test methods (§ 63.1352)

- 22.47 If you are conducting tests to determine the rates of emission of HCl from kilns and associated bypass stacks at portland cement manufacturing facilities, for use in applicability determinations under §63.1340, you may use Method 320 or Method 321 of appendix A of this part. (63.1352(a))
- 22.48 Owners or operators conducting tests to determine the rates of emission of specific organic HAP from raw material dryers, and kilns at Portland cement manufacturing facilities, solely for use in applicability determinations under §63.1340 of this subpart are permitted to use Method 320 of appendix A to this part, or Method 18 of appendix A to part 60 of this chapter. (63.1352(b))

Notification requirements. (§ 63.1353)

- 22.49 The notification provisions of 40 CFR part 63, subpart A that apply and those that do not apply to owners and operators of affected sources subject to this subpart are listed in Table 1 of this subpart (table of applicable general provisions (Condition 22.2), see also Condition 22.50). If any State requires a notice that contains all of the information required in a notification listed in this section, the owner or operator may send the Administrator a copy of the notice sent to the State to satisfy the requirements of this section for that notification. (63.1353(a))
- 22.50 Each owner or operator subject to the requirements of this subpart shall comply with the notification requirements in §63.9 as specified in §63.1353(b)(1) through (6). (63.1353(b))

Reporting requirements. (§ 63.1354)

- 22.51 The reporting provisions of subpart A of this part that apply and those that do not apply to owners or operators of affected sources subject to this subpart are listed in Table 1 of this subpart table of applicable general provisions (Condition 22.2), see also Condition 22.52). If any State requires a report that contains all of the information required in a report listed in this section, the owner or operator may send the Administrator a copy of the report sent to the State to satisfy the requirements of this section for that report. (63.1354(a))
- 22.52 The owner or operator of an affected source shall comply with the reporting requirements specified in §63.10 of the general provisions of this part 63, subpart A as specified in §63.1354(b)(1) through (10). (63.1354(b))
- 22.53 Reporting a failure to meet a standard due to a malfunction. For each failure to meet a standard or emissions limit caused by a malfunction at an affected source, you must report the failure in the semi-annual compliance report required by §63.1354(b)(9). The report must contain the date, time and duration, and the cause of each event (including unknown cause, if applicable), and a sum of the number of events in the reporting period. The report must list for each event the affected source or equipment, an estimate of the volume of each regulated pollutant emitted over the emission limit for which the source failed to meet a standard, and a description of the method used to estimate the emissions. The report must also include a description of actions taken by an owner or operator during a malfunction of

an affected source to minimize emissions in accordance with §63.1348(d) (Condition 22.15), including actions taken to correct a malfunction. (63.1354(c))

Recordkeeping requirements. (§ 63.1355)

- 22.54 The owner or operator shall maintain files of all information (including all reports and notifications) required by this section recorded in a form suitable and readily available for inspection and review as required by §63.10(b)(1). The files shall be retained for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two years of data shall be retained on site. The remaining three years of data may be retained off site. The files may be maintained on microfilm, on a computer, on floppy disks, on magnetic tape, or on microfiche. (63.1355(a))
- 22.55 The owner or operator shall maintain records for each affected source as required by §63.10(b)(2) and (b)(3) of this part; and §63.1355(b)(1) through (3). (63.1355(b))
- 22.56 In addition to the recordkeeping requirements in 63.1355(b) (Condition 22.55), the owner or operator of an affected source equipped with a continuous monitoring system shall maintain all records required by §63.10(c). (63.1355(c))
- 22.57 You must keep records of the daily clinker production rates and kiln feed rates. (63.1355(e))
- 22.58 You must keep records of the date, time and duration of each startup or shutdown period for any affected source that is subject to a standard during startup or shutdown that differs from the standard applicable at other times, and the quantity of feed and fuel used during the startup or shutdown period. (63.1355(f))
- 22.59 You must keep records of the date, time and duration of each malfunction that causes an affected source to fail to meet an applicable standard; if there was also a monitoring malfunction, the date, time and duration of the monitoring malfunction; the record must list the affected source or equipment, an estimate of the volume of each regulated pollutant emitted over the standard for which the source failed to meet a standard, and a description of the method used to estimate the emissions. (63.1355(g)(1))
- 22.60 You must keep records of actions taken during periods of malfunction to minimize emissions in accordance with §63.1348(d) (Condition 22.15) including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation. (63.1355(g)(2))
- 22.61 For each exceedance from an emissions standard or established operating parameter limit, you must keep records of the date, duration and description of each exceedance and the specific actions taken for each exceedance including inspections, corrective actions and repeat performance tests and the results of those actions. (63.1355(h))

Sources with multiple emissions limit or monitoring requirements. (§ 63.1356)

22.62 If you have an affected source subject to this subpart with a different emissions limit or requirement for the same pollutant under another regulation in title 40 of this chapter, once you are in compliance with the most stringent emissions limit or requirement, you are not subject to the less stringent requirement. Until you are in compliance with the more stringent limit, the less stringent limit continues to apply. (63.1356)

The sources, which are referred to this Condition throughout this permit, are below.

- **P002 - Raw Materials Drying (AIRs pt 002: S005 Raw Materials Dryer)**
- **P004 - Raw Material Storage Silos (AIRs pt 004: S006 through S008 - Raw Materials Storage Silos)**
- **P005 - Raw Material Grinding (AIRs pt 005: S010 - Raw Material Grinding, S011 – Raw Material Separator, S012 – Raw Mill Feeders and S013 - Iron/Silica Silo)**
- **P006 - Homogenizing and Blending (AIR pt 006: S014 - Homogenizing Silo and S015 Kiln Feed Silo)**
- **P007- Kiln Burning and P008 – Clinker Cooling and Transfer to Storage for Finish Mill (AIRs pt 007 (P007): S016 – Precalciner Kiln; AIRS pt 008 (P008): S017 – Clinker Drag Chains, S018 - Clinker Cooler, S023 Drag Conveyor, S024B – Outside Clinker Drop Hood)**
- **P009 – Clinker and Gypsum/Additive Silos and Weigh Feeders (Storage and Transfer to Finish Mill), P010 - Sheltered (A-Frame) Clinker Storage and Reclaim, P015 - Outdoor Clinker Piles and Handling, P012 and P011 – Cement Finish Mill and Auxiliaries and P013 – Cement Silos/Packhouse/Loadout (AIRs pt 009 (P009): S021 – Top of A Frame (belt 529-30 to 529-63), S026, S027, S029, S030, S031 – Weigh Feeders 1, 2, 4, 5 and 6, S032 – Bottom of A-Frame Transfer, S024 - #2 Clinker Silo, S038 – Surge Bin, S035 – Discharge of 629-3 Belt, S039 - S041 – Finish Mill Weigh Feeders, S038 – Surge Bin , and S033 - Gypsum/Limestone from 529-31 belt to Silos; AIRs pt 010 (P010): S034 - #6 Reclaim Feeder and S051 - Top of A Frame from 529-9 belt to 529-30 belt; AIRs pt 015 (P015): Outdoor Hot Clinker Pile; AIRs pt 011 (P011): S036 – Finish Mill, S037 – Finish Mill Auxiliary Dust Collector and Grinding and Limestone Handling; AIRs pt 031 (P012): S065 – Finish Mill Separator and S069Clinker Baghouse Dust to Finish Mill (SEP project); AIRs pt 013 (P013) – S043 – Cement Storage Silos A10 and A13, S044 – Cement Storage Silo A7, S045 – Cement Finish Silo A2, S046 - Packhouses East and West (loading spouts) and S048 - Recirculating System)**
- **P014 - Material Handling System – Load-In and Load-Out (AIRs pt 014: S020 - Coal Silo/Elevator, S019 – Material Unloading Hopper (Railcar), S025 – Material Unloading Hopper and Spout (Trucks), and Outdoor Coal Storage)**

- P007A - Handling and Processing of CKD and Raw Material Waste Dust (AIRs pt 049: S001 – Waste Dust Silo, S022 – Kiln Return Dust Silo, S066 – Cement Silo A5, S067 – CKD Loading Spout, 041 - Pug Mill/Truck Loading and 042 - Truck Hauling and Disposal at Lyons Quarry)
- P050 - Cement Rail Car Unloading System (AIRs pt 050: Cement Rail Car Unloading and Handling System – hopper, screw conveyor and pneumatic transfer system)

There is no evidence of circumvention. Cemex has conducted several stack tests to demonstrate compliance with the D/F emissions requirements at specific temperatures; testing is required every 30 months. The conducted D/F stack testing on the kiln 2/7/2017; the next test was required by 8/7/2019. The source conducted D/F stack testing on the kiln late on 8/21/2019 that was rejected because each test run failed to achieve the required sample volume (see Enforcement Case # 2019-197). The source conducted D/F stack testing on the kiln 10/3/2019 that was approved by the Division; the next D/F stack testing on the kiln will be required by 4/3/2022. Cemex is performing quarterly calibrations of each thermocouple as required. Cemex has programmed into the FLS control system an automatic shutdown of the kiln when temperatures are approaching the temperature limit at each baghouse to prevent temperature exceedances. Kiln operators receive annual training as required. The source has installed a new sorbent trap based continuous emissions monitoring system for monitoring mercury. Cemex has submitted the results of all performance tests, opacity readings, startup, shutdown and malfunctions. The source performs annual stack testing to determine annual VOC emissions. The source uses the results of the stack testing to calculate annual VOC emissions from the main kiln stack (see condition 10.14). The source has installed, certified (9/8/2015) and maintains a THC CEMS to demonstrate compliance with the THC MACT Standards (THC – 24 ppmvd, corrected to 7% O₂) and the total organic HAP limit. The source installed a new THC CEMS on the dryer that was certified 6/5/2019. The source reported excessive THC monitor downtime (8.579%; 134 hours down of 1562 operating hours) from the dryer CEMS due to two primary causes, loss of compressed air and a sampling pump breakdown. It was determined by the inspector during the inspection records review that this amount of downtime is a violation. The source failed to demonstrate compliance with the VOC/THC emissions as required by 22.13.5, 22.20, and 22.35.1. The source did not demonstrate total organic HAP compliance as required by 22.23.9 and 22.36. The source reported visible emissions that lasted approximately 34 minutes from the kiln hood and clinker cooler areas on 10/22/2019 due to a kiln push involving the flushing of the uncooked raw material feed through the kiln and into the clinker cooler demonstrating that control equipment and monitoring equipment is not operated and maintained in a manner consistent with good air pollution control practices for minimizing emissions. It should be noted this event occurred prior to the source's incorporation of a system pressure interlock (to automate shutdown of fuel and feed if positive pressures are registered) that was implemented following the previous inspection findings. The source reported that these events are not 100% avoidable and actions to minimize dusting from such events have been taken. They have installed interlocks and alarms on the inlet and outlet of the coal mill to monitor high/low temperatures and high/low pressures associated with changes in coal feed, installed interlocks and alarms on the Kiln Drive for low amperages, and installed process controls to automate and provide immediate reductions in kiln feed and fuel usage. The source failed to demonstrate that control equipment and monitoring equipment is operated and maintained in a manner consistent with good air pollution control practices for minimizing



emissions as required by 22.15. The source failed to demonstrate compliance with the VOC/THC emissions as required by 22.13.5, 22.20, and 22.35.1. The source did not demonstrate total organic HAP compliance as required by 22.23.9 and 22.36. (Not In Compliance)

23. Compliance Assurance Monitoring (CAM)

The Compliance Assurance Monitoring (CAM) requirements in 40 CFR Part 64, as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV, apply to the sources listed below with respect to the PM/PM₁₀ and Pb limitations identified in the table below, as follows:

Source	Condition/Limit
P002 – Raw Materials Drying	
S005 – Raw Materials Dryer	Condition 5.6 - 22.8 tons/year PM/PM ₁₀ 6.5 lbs/hour PM ₁₀ Condition 5.7 - 1.6 tons/year Pb
P005 – Raw Material Grinding	
S010 – Raw Material Grinding	Condition 8.3 – PM not to exceed the following: PM (lb/hr) = 17.31 (P) ^{0.16} Where P = process weight rate in tons/hr
S011 – Raw Mill Auxiliary Dust Collector	
S012 – Raw Mill Feeders	
P007 – Kiln Burning	
S016 – Precliner Kiln	Condition 10.5 - 133 tons/year PM/PM ₁₀ (Kiln) Condition 10.16 - 4.4 tons/year Pb (Kiln)
P009 – Clinker and Gypsum/Additive Silos and Weigh Feeders (Storage and Transfer to Finish Mill)	
S024 - #2 Clinker Silo	Condition 11.4 – 9.3 tons/year PM
P010 – Sheltered (A-Frame) Clinker Storage and Reclaim	
S051 – Top of A Frame – Transfer from 529-29 belt to 529-30 belt	Condition 11.4 - 21.96 tons/year PM 10.98 tons/year, 201 lb/day PM ₁₀
S034- #6 Reclaim Feeder and A Frame Building	
P011 – Cement Finish Mill and Auxiliaries	
S036 – Finish Mill	Condition 11.4 – 17.05 ton PM/year 8.65 ton PM ₁₀ /year 48 lbs PM ₁₀ /day
S037 – Finish Mill Auxillary Dust Collector	
P013 – Cement Silos/Packhouse/Loadout	
S043 –Cement Storage Silos A10 and A13	Condition 11.4 – 12.3 ton PM/year 6.2 ton PM ₁₀ /year 43 lbs PM ₁₀ /day For S046 – PM limit only
S044 – Cement Storage Silo A7	
S045 – Cement Finish Silo A2	
S046 – Packhouses West and East (loading spouts) – baghouses vent to a common stack	
P007A – Handling & Processing of CKD & Raw Material Waste Dust	
S001 – Waste Dust Silo	Condition 13.2 - 15.39 tpy PM



Source	Condition/Limit
S022 – Kiln Return Dust Silo	7.7 tpy, 69.5lbs/day PM ₁₀
S066 – Cement Silo A5	For S066 PM only

23.1 **For the kiln (P007/S016)**, the permittee shall conduct the monitoring for PM as required by 40 CFR Part 63 Subpart LLL (Condition 22). Excursions for purposes of CAM reporting are as follows:

23.1.1 Any exceedance of the 30 process operating day PM CPMS average value from the established operating parameter limit.

23.2 **For all sources except the kiln (P007/S016)**, the permittee shall follow the CAM Plan provided in Appendix G of this permit. Excursions for purposes of reporting are as follows

23.2.1 For Visible Emissions:

23.2.1.1 Any calendar day (midnight to midnight) in which visible emissions are observed, or

23.2.1.2 Failure to conduct a daily visible emission observation on any calendar day (midnight to midnight) in which the equipment was operating, except as provided for in Condition 23.2.1.3.

23.2.1.3 A daily visible emission observation is not required for any calendar day in which the equipment was not operating for four (4) consecutive daylight hours or more, provided a pressure differential reading is recorded for that day.

23.2.2 For Pressure Differential:

23.2.2.1 Any weekly pressure drop reading that is at or below 0 or above 7 inches of water.

23.2.2.2 Failure to record the pressure drop in any calendar week in which the equipment was operated.

23.2.3 Excursions shall be reported as required by Section IV, Conditions 21 and 22.d of this permit.

23.3 Operation of Approved Monitoring

23.3.1 At all times, the owner or operator shall maintain the monitoring, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment (40 CFR Part 64 § 64.7(b), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

23.3.2 Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the owner or

operator shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of these CAM requirements, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The owner or operator shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions (40 CFR Part 64 § 64.7(c), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

23.3.3 Response to excursions or exceedances

23.3.3.1 Upon detecting an excursion or exceedance, the owner or operator shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable (40 CFR Part 64 § 64.7(d)(1), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

23.3.3.2 Determination of whether the owner or operator has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process (40 CFR Part 64 § 64.7(d)(2), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

23.3.4 After approval of the monitoring required under the CAM requirements, if the owner or operator identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the

results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the owner or operator shall promptly notify the Division and, if necessary submit a proposed modification for this permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters (40 CFR Part 64 § 64.7(e), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

23.4 Quality Improvement Plan (QIP) Requirements

- 23.4.1 Based on the results of a determination made under the provisions of Condition 23.3.3.2, the Division may require the owner or operator to develop and implement a QIP (40 CFR Part 64 § 64.8(a), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
- 23.4.2 The owner or operator shall maintain a written QIP, if required, and have it available for inspection (40 CFR Part 64 § 64.8(b)(1), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
- 23.4.3 The QIP initially shall include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the owner or operator shall modify the plan to include procedures for conducting one or more of the following actions, as appropriate:
 - 23.4.3.1 Improved preventative maintenance practices (40 CFR Part 64 § 64.8(b)(2)(i), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
 - 23.4.3.2 Process operation changes (40 CFR Part 64 § 64.8(b)(2)(ii), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
 - 23.4.3.3 Appropriate improvements to control methods (40 CFR Part 64 § 64.8(b)(2)(iii), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
 - 23.4.3.4 Other steps appropriate to correct control performance (40 CFR Part 64 § 64.8(b)(2)(iv), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
 - 23.4.3.5 More frequent or improved monitoring (only in conjunction with one or more steps under Conditions 23.4.3.1 through 23.4.3.4 above) (40 CFR Part 64 § 64.8(b)(2)(v), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
- 23.4.4 If a QIP is required, the owner or operator shall develop and implement a QIP as expeditiously as practicable and shall notify the Division if the period for

completing the improvements contained in the QIP exceeds 180 days from the date on which the need to implement the QIP was determined (40 CFR Part 64 § 64.8(c), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

23.4.5 Following implementation of a QIP, upon any subsequent determination pursuant to Condition 23.3.3.2, the Division or the U.S. EPA may require that an owner or operator make reasonable changes to the QIP if the QIP is found to have:

23.4.5.1 Failed to address the cause of the control device performance problems (40 CFR Part 64 § 64.8(d)(1), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV); or

23.4.5.2 Failed to provide adequate procedures for correcting control device performance problems as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions (40 CFR Part 64 § 64.8(d)(2), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

23.4.6 Implementation of a QIP shall not excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the federal clean air act (40 CFR Part 64 § 64.8(e), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

23.5 Reporting and Recordkeeping Requirements

23.5.1 Reporting Requirements: The reports required by Section IV, Condition 22.d, shall contain the information specified in Appendix B of the permit and the following information, as applicable:

23.5.1.1 Summary information on the number, duration and cause (including unknown cause, if applicable), for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable) ((40 CFR Part 64 § 64.9(a)(2)(ii), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV); and

23.5.1.2 The owner or operator shall submit, if necessary, a description of the actions taken to implement a QIP during the reporting period as specified in Condition 23.4 of this permit. Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring (40 CFR Part 64 § 64.9(a)(2)(iii), as adopted by reference in Colorado Regulation No. 3, Part C, Section

XIV).

23.5.2 General Recordkeeping Requirements: In addition to the recordkeeping requirements in Section IV, Condition 22.a through c.

23.5.2.1 The owner or operator shall maintain records of any written QIP required pursuant to Condition 23.4 and any activities undertaken to implement a QIP, and any supporting information required to be maintained under these CAM requirements (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions) (40 CFR Part 64 § 64.9(b)(1), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

23.5.2.2 Instead of paper records, the owner or operator may maintain records on alternative media, such as microfilm, computer files, magnetic tape disks, or microfiche, provided that the use of such alternative media allows for expeditious inspection and review, and does not conflict with other applicable recordkeeping requirements (40 CFR Part 64 § 64.9(b)(2), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

23.6 Savings Provisions

23.6.1 Nothing in these CAM requirements shall excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the federal clean air act. These CAM requirements shall not be used to justify the approval of monitoring less stringent than the monitoring which is required under separate legal authority and are not intended to establish minimum requirements for the purposes of determining the monitoring to be imposed under separate authority under the federal clean air act, including monitoring in permits issued pursuant to title I of the federal clean air act. The purpose of the CAM requirements is to require, as part of the issuance of this Title V operating permit, improved or new monitoring at those emissions units where monitoring requirements do not exist or are inadequate to meet the requirements of CAM (40 CFR Part 64 § 64.10(a)(1), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

23.6.2 Nothing in these CAM requirements shall restrict or abrogate the authority of the U.S. EPA or the Division to impose additional or more stringent monitoring, recordkeeping, testing or reporting requirements on any owner or operator of a source under any provision of the federal clean air act, including but not limited to sections 114(a)(1) and 504(b), or state law, as applicable (40 CFR Part 64 § 64.10(a)(2), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

The source did not report any CAM events during the reporting period. Cemex is following the CAM procedures identified above. Cemex performs daily visible emission observations and pressure differential readings on the CAM listed sources and records the results in a daily log. For the kiln and clinker cooler, daily COM reports with 6-minute averages are printed and added to the daily records. To date, the Division has not requested Cemex develop and implement a Quality Improvement Plan (QIP) based upon the corrective action response and information available for each excursion. The Division will continue to monitor excursions from the CAM rule and may require a QIP be developed in the future. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

24. P050 - Cement Rail Car Unloading System

AIRs pt 050: Cement Rail Car Unloading and Handling System – hopper, screw conveyor and pneumatic transfer system

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Process Rate	24.1	50,000 tons/yr of imported cement		Recordkeeping	Monthly
PM & PM ₁₀	24.2	PM - 0.6 tons/yr PM ₁₀ – 0.4 tons/yr	See Condition 24.2	Recordkeeping and Calculation	Monthly
Control Device and Operating Requirements	24.3	See Condition 24.3		Control Equipment Maintenance	Annual Certification

Parameter	Permit Condition Number	Limitations	Emission Factors	Monitoring	
				Method	Interval
Opacity	24.4	Shall not exceed 20%, except as provided for below		Visible Emission Observation	Daily
		Certain Operating Conditions -Shall not exceed 30%, for a period or periods aggregating more than six (6) minutes in any 60 consecutive minutes		Method 9	If Required (See Conditions 16.1.1.2 and 20.5.1)
				Baghouse Maintenance and Operation	See Condition 19
NSPS Subpart F Opacity	24.5	Less than 10%		Method 22	Monthly to Annually
MACT Requirements	24.6			See 40 CFR Part 63 Subpart LLL (Condition 22)	
		O & M Plan Requirements		See Conditions 22.10 and 22.11.	

Compliance Status: P050 – Cement Rail Car Unloading System

Parameter	Limitations	Reported Data
Process Rates	50,000 tons/yr	0 tons
PM	0.6 ton/yr	0.0 tons
PM ₁₀	0.4 ton/yr	0.0 tons

Cemex provided the reported data above for the rolling 12-month period ending 4/30/2020. No railcar unloading has occurred since 2007.

24.1 The amount of cement processed through the rail car unloading system shall not exceed the limitation listed in the table above (Construction Permit 05BO0703). Any information used to determine the monthly quantity of cement processed shall be maintained and made available to the Division upon request. The quantity of cement unloaded shall be monitored and recorded monthly. Monthly quantities of cement unloaded shall be used in a twelve month rolling total to monitor compliance with the annual limitation. Each month a new twelve month total shall be calculated using the previous twelve months' data.



24.2 PM and PM₁₀ emissions from the rail car unloading system shall not exceed the limitations listed in the table above (Construction Permit 05BO0703, as modified under the provisions of Section I, Condition 1.3 to increase the PM₁₀ emission limitation). Compliance with the PM and PM₁₀ emission limitations shall be monitored by calculating emissions monthly using the emission factors specified in the table below and the monthly quantity of cement unloaded. Monthly emissions shall be used in a rolling twelve month total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months' data.

Pollutant	Activity	Emission Factor	Control Efficiency	Source
PM	Rail car to hopper	0.60	98 %	From Division's Preliminary Analysis for Construction Permit – AP-42, cement handling portion of concrete batching, section 11.12, corrected for site differences.
	hopper to pneumatic pump (screw conveyor)	0.45	99 %	
	Pneumatic trans to silo	0.27	98 %	
PM ₁₀	Rail car to hopper	0.40	98 %	
	hopper to pneumatic pump (screw conveyor)	0.29	99 %	
	Pneumatic trans to silo	0.17	98 %	

Note that the control efficiencies listed in the above table may be applied to the emission calculations provided the requirements in Condition 24.3 have been met.

24.3 The rail car unloading system shall is subject to the following control device and operational requirements:

24.3.1 This source shall be equipped with a pulse jet fabric filter baghouse capable of limiting particulate matter emissions to 0.02 grains per dry standard cubic feet. (Construction Permit 05BO0703)

In the absence of credible evidence to the contrary, compliance with the grain loading limitation is presumed provided the baghouse is operated and maintain in accordance with the requirements specified in Condition 19.

24.3.2 Prior to initiating the discharge from the railcar into the unloading hopper, the seals between the railcar and hopper shall be firmly engaged and the exhaust fan started to maintain a negative pressure of at least 3 inch water gauge in the hopper. After the railcar is emptied and the hopper is also emptied, the negative pressure shall be maintained for at least an additional five minutes to ensure all

particulate matter is vented. A gauge showing the negative pressure shall be readily visible to the operator. (Construction Permit 05BO0703)

Cemex is calculating monthly and rolling 12-month totals of particulate emissions from the rail car unloading system using the above emission factors and control efficiencies. No railcar unloading has occurred since 2007 and therefore was not observed during the inspection. However, the system is equipped with a pulse jet fabric filter baghouse, as required, and has a pressure gauge to monitor negative pressure during railcar unloading. The O&M Plan states that Cemex will perform monthly Method 22 emission observations, as well as operational maintenance (i.e. check for leaks, evaluate equipment operation, check differential pressure, and check for dust in control equipment exhaust). In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

24.4 These sources are subject to the opacity limits set forth in Condition 20 of this permit.

This point is meeting the opacity requirements outlined in Condition 21. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

24.5 On and after the date on which the performance test required to be conducted by §60.8 is completed, you may not discharge into the atmosphere from any affected facility other than the kiln and clinker cooler any gases which exhibit 10 percent opacity, or greater. (40 CFR Part 60 Subpart F § 60.42(c))

Any sources other than kilns (including associated alkali bypass and clinker cooler) that are subject to the 10 percent opacity limit must follow the appropriate monitoring procedures in §63.1350(f) (Condition 22.33), (m)(1) through (4), (10) and (11), (o), and (p) of this chapter. (60.64(b)(3))

No railcar unloading has occurred since 2007. The source was not operating at the time of this inspection and no visible emissions issues were noted. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

24.6 These sources are subject to the requirements in 40 CFR Part 63 Subpart LLL as set forth in Condition 22 of this permit.

Specifically these sources are subject to the operation and maintenance plan requirements and any related recordkeeping and reporting requirements associated with those requirements.

Note that the opacity requirement in 40 CFR Part 60 Subpart F (Condition 24.5) that applies to these sources is more stringent than the opacity limit in 40 CFR Part 63 Subpart LLL (§ 63.1345, Condition 22.6), so as provided for in § 63.1356 (Condition 22.62), these sources do not have to comply with the opacity requirement in § 63.1345. The opacity requirement in § 63.1345 is included in the permit shield for streamlined conditions (Section III.3) of this permit for these sources.

No railcar unloading has occurred since 2007. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

25. Kiln Control Device Support Equipment

AIRS Pt 055 – LIS-1: Lime Storage Silo

AIRS pt 054 – LIS-2: Lime Weigh Hopper

Parameter	Permit Condition Number	Limitations*	Compliance Emission Factor	Monitoring	
				Method	Interval
PM	25.1	LIS-1 0.67 lb/mo and 0.004 tons/yr LIS-2 0.67 lb/mo and 0.004 tons/yr	LIS-1 0.61 lb/ton LIS-2 0.61 lb/ton	Recordkeeping and Calculation	Monthly
PM ₁₀		LIS-1 0.67 lb/mo and 0.004 tons/yr LIS-2 0.67 lb/mo and 0.004 tons/yr	LIS-1 0.61 lb/ton LIS-2 0.61 lb/ton		
PM _{2.5}		LIS-1 0.67 lb/mo and 0.004 tons/yr LIS-2 0.67 lb/mo and 0.004 tons/yr	LIS-1 0.61 lb/ton LIS-2 0.61 lb/ton		
Lime Processed	25.2	LIS-1 1,008 tons/mo and 12,096 tons/yr		Recordkeeping	Monthly
		LIS-2 1,008 tons/mo and 12,096 tons/yr			

Parameter	Permit Condition Number	Limitations*	Compliance Emission Factor	Monitoring Method	Monitoring Interval
Opacity	25.3	Shall Not Exceed 20%		See Condition 25.3	
Hours of Operation	25.4			Recordkeeping	Monthly
Hours of Operation	25.5			See Condition 25.5	
Commence Construction	25.6	Construction Must Commence within 18 Months		See Condition 25.6	
Startup Notice	25.7	Notify Division 15 Days After Startup		Notification	Within 15 Days After Startup
Compliance Certification	25.8	Certify Compliance within 180 Days of Startup		See Condition 25.8	

*Monthly limits apply for the first year of operation only.

**Compliance Status: LIS-1: Lime Storage Silo
LIS-2: Lime Weigh Hopper**

Parameter	Limitations	Reported Data
LIS-1 PM/ PM₁₀/ PM_{2.5}	0.004 tons/yr	0.000000 tons/yr
LIS-2 PM/ PM₁₀/ PM_{2.5}	0.004 tons/yr	0.0000905 tons/yr
LIS-1 Lime Processed	12,096 tons/yr	296.88 tons/yr
LIS-2 Lime Processed	12,096 tons/yr	296.88 tons/yr

Cemex provided the Reported Data above for the rolling 12-month period ending 4/30/2020. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)



- 25.1 Particulate Matter (PM, PM₁₀ and PM_{2.5}) emissions from the lime silo (LIS-1) and the lime weigh hopper (LIS-2) shall not exceed the above limitations (as provided for under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part B, Section II.A.6 and Part C, Section X, based on requested emissions included on the APEN submitted on April 16, 2015). Monthly emissions for each unit shall be calculated by the end of the subsequent month using the above emission factors (EPA's Compilation of Emission Factors (AP-42), Section 11.17 (dated 2/98), Table 11.17-4, product loading enclosed truck) and the monthly throughput, as required by Condition 25.2, in the following equation:

$$\text{Tons/month} = \frac{\text{EF (lbs/hr)} \times \text{monthly throughput (tons/month)}}{2000 \text{ lbs/ton}}$$

Note that a control efficiency of 99.9% may be applied to the above equation provided the baghouses are operated and maintained in accordance with the requirements in Condition 19.

Compliance with the monthly limits shall be monitored by comparing the monthly emissions from each unit with the monthly limitations. Compliance with the monthly emissions limitations must be monitored for one year following startup. After the first year of operation the monthly emissions limitations are no longer applicable. (Note that startup commenced on July 1, 2016 therefore, the monthly limits apply until June 30, 2017.)

Monthly emissions from each unit shall be used in a rolling twelve month total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months data.

Cemex is using emission factors to calculate PM, PM₁₀ and PM_{2.5} emissions from the Kiln Control Device Support Equipment. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 25.2 The quantity of lime processed through the lime silo (LIS-1) and the lime weigh hopper (LIS-2) shall not exceed the above limitations (as provided for under the provisions of Section I, Condition 1.3 and Colorado Regulation No. 3, Part B, Section II.A.6 and Part C, Section X, based on the requested throughput included on the April 16, 2015 APEN). The quantity of lime handled through the lime silo (LIS-1) and the lime weigh hopper (LIS-2) shall be monitored and recorded monthly and used in the emission calculations in Condition 25.1.

Compliance with the monthly processing limits shall be monitored by comparing the monthly quantities of lime processed through each unit with the monthly limitations. Compliance with the monthly processing limits must be monitored for one year following startup. After the first year of operation the monthly processing limits are no longer

applicable. (Note that startup commenced on July 1, 2016 therefore, the monthly limits apply until June 30, 2017.)

Monthly quantities of lime processed through each unit shall be used in a twelve month rolling total to monitor compliance with the annual limitations. Each month a new twelve month total shall be calculated using the previous twelve months data.

Cemex is maintaining the quantity of lime processed through the lime silo (LIS-1) and the lime weigh hopper (LIS-2) on a monthly and rolling 12-month total basis, as required. No exceedances of the permit limits are noted. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 25.3 Opacity of emissions from the lime silo (LIS-1) and the lime weigh hopper (LIS-2) shall not exceed 20% (Colorado Regulation No. 1, Section II.A.1). In the absence of credible evidence to the contrary, the lime silo (LIS-1) and the lime weigh hopper (LIS-2) shall be presumed to be in compliance with the 20% opacity limit provided the baghouses are operated and maintained in accordance with the requirements in Condition 25.5.

No visible emission issues or off-property transport were noted during the inspection. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this condition. (In Compliance)

- 25.4 Hours of operation shall be monitored and recorded monthly. Monthly hours of operation shall be used to estimate emissions are specified in Condition 25.1.

Cemex is maintaining hours of operation. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 25.5 The baghouses shall be operated and maintained in accordance with manufacturer's recommendations and good engineering practices. A copy of the operating and maintenance procedures, schedules for maintenance and/or inspection activities and records related to the operation and maintenance of the baghouses and good engineering practices, such as records of routine maintenance and/or inspections shall be maintained and made available to the Division upon request.

The source reported the baghouses are operated and maintained in accordance with the manufacturer's recommendations and good engineering practices. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 25.6 The permit conditions in this Section II.25 of this permit, shall expire if construction of the lime silo (LIS-1) and the lime weigh hopper (LIS-2) does not commence within 18 months of submittal of a complete minor modification application [received April 16, 2015]; construction is discontinued for a period of 18 months or more; or construction is not completed within a reasonable time of the estimated completion date (Colorado Regulation No. 3, Part B, Section III.F.4.a.(i) thru (ii)).

The source has constructed and operates the lime silo (LIS-1) and the lime weigh hopper (LIS-2). . In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

- 25.7 Unless prior and mutually acceptable arrangements have been made, the applicant shall give notice to the Division within fifteen calendar days after the date on which commencement of operation takes place. (Colorado Regulation No. 3, Part B, Section III.G.1)

The Notice of Startup was received 7/13/2016 reporting a startup of 7/1/2016. The source provided notice to the Division within fifteen calendar days after the date on which commencement of operation took place. (In Compliance)

- 25.8 Within one hundred eighty (180) calendar days after commencement of operation of the lime silo (LIS-1) and the lime weigh hopper (LIS-2), the permittee shall certify compliance with the conditions in this Section II.25 of this permit. (Colorado Regulation No. 3, Part B, Section III.G.2). Submittal of the first required semi-annual monitoring report (Appendix B), after startup of these units shall serve as the self-certification that the newly installed lime silo and lime weigh hopper can comply with the conditions in this Section II.25 of this permit.

Submittal of the first required semi-annual monitoring report after startup of these units serves as the self-certification for the newly installed lime silo and lime weigh hopper (In Compliance)

26. Stationary Internal Combustion Engines

AIRS Pt 053 – A-Pit Pump: Diesel Fuel-Fired Engine (rated at 90 hp)

Diesel Fuel-Fired Engines Rated at 80 hp (Dowe Flats 6” Pump) and 84 hp (Dowe Flats 8” Pump)

Natural Gas-Fired Emergency Engine rated at 230 hp (Kiln Donkey Engine)

Parameter	Permit Condition Number	Limitation	Compliance Emission Factor	Monitoring	
				Method	Interval
MACT Subpart <i>ZZZZ</i> Requirements	26.1	Change Oil and Filter Inspect Air Cleaner Inspect all Hoses and Belts		See Condition 26.1	
SO ₂ – Pump Engines only	26.2	0.8 lb/MMBtu		Fuel Restriction	Only Diesel Fuel is Used as Fuel
Hours of Operation	26.3			Recordkeeping	Annually
Annual Emissions – A-Pit Pump Only	26.4		NO _x : 0.031 lb/hp-hr CO: 0.0067 lb/hp-hr	Recordkeeping and Calculation	Annually
Opacity	26.5	Not to Exceed 20% Except as Provided for Below		See Condition 26.5	
		For Startup – Not to Exceed 30%, for a Period or Periods Aggregating More than Six (6) Minutes in any 60 Consecutive Minutes			

Note that these emission units are exempt from the APEN reporting requirements in Regulation No. 3, Part A and the construction permit requirements in Regulation No. 3, Part B provided actual, uncontrolled emissions do not exceed the APEN de minimis level (1 ton/yr of NO_x). An APEN is triggered for these engines if hours of operation meet or exceed the following: 716 hrs/yr, 806 hrs/yr (80 hp engine), 768 hrs/yr (84 hp engine) and 1,261 hrs/yr (230 hp engine). An APEN was submitted for the A-pit pump on July 1, 2013.

Diesel Fuel-Fired Emergency Engine Rated at 99 hp/73.8 kW (Flood Response Engine)



Parameter	Permit Condition Number	Limitation	Compliance Emission Factor	Monitoring	
				Method	Interval
Hours of Operation	26.3			Recordkeeping	Annually
Opacity	26.5	Not to Exceed 20% Except as Provided for Below		See Condition 26.5	
		For Startup – Not to Exceed 30%, for a Period or Periods Aggregating More than Six (6) Minutes in any 60 Consecutive Minutes			
NSPS Subpart III	26.6	NO _x -NMHC – 4.7 g/kw-hr CO – 5.0 g/kw-hr PM – 0.40 g/kw-hr		See Condition 26.6	
MACT ZZZZ Requirements	26.7	Compliance with MACT met by complying with NSPS Subpart III		See Condition 26.7	

Note that this emission unit is exempt from the APEN reporting requirements in Regulation No. 3, Part A and the construction permit requirements in Regulation No. 3, Part B provided actual, uncontrolled emissions do not exceed the APEN de minimis level (1 ton/yr of NO_x). An APEN is triggered for this engine if hours of operation meet or exceed the 2,615 hrs/yr.

- 26.1 The **Pump and Kiln engines** are subject to the requirements in 40 CFR Part 63 Subpart ZZZZ, “National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines”, as follows:

The requirements below reflect the current rule language as of the revisions to 40 CFR Part 63 Subpart ZZZZ published in the Federal Register on January 30, 2013 (including the corrections published March 6, 2013 and revisions to test methods published February 27, 2014). However, if revisions to this Subpart are promulgated at a later date, the owner or operator is subject to the requirements contained in the revised version of 40 CFR Part 63 Subpart ZZZZ.

The D. C. Circuit Court issued a mandate on May 4, 2016 for vacatur for certain requirements allowing emergency engines to operate for limited hours for demand response. Upon issuance of the mandate § 63.6640(f)(2)(ii)-(iii) (Conditions 26.1.12.2.b and 26.1.12.2.c) have no legal effect. Operation of emergency engines is limited to emergency situations specified in 63.6640(f)(1) (Condition 26.1.12.1); maintenance checks

and readiness testing for a limited number of hours per year as specified in 63.6640(f)(2)(i) (Condition 26.1.12.2.a); and certain non-emergency situations for a limited number of hours per year as specified in 63.6640(f)(3)–(4) (Condition 26.1.12.3). See EPA memorandum dated April 15, 2016 regarding “Guidance on Vacatur of RICE NESHAP and NSPS Provisions for Emergency Engines” for more information.

It should be noted that additional revisions to the requirements in 40 CFR Part 63 Subpart ZZZZ are expected to be made in response to issues related to legal action associated with the allowable hours of operation provisions for emergency engines regarding engines used for demand response. If such revisions are finalized prior to issuance of the permit, they will be included in the permit.

As of the date of this permit issuance [March 1, 2017], the requirements in 40 CFR Part 63 Subpart ZZZZ promulgated after July 1, 2007 have not been adopted into Colorado Regulation No. 8, Part E and are therefore not state-enforceable. In the event that these requirements are adopted into Colorado Regulations, they will become state-enforceable.

The requirements in 40 CFR Part 63 Subpart ZZZZ promulgated after July 1, 2007 have not been adopted into Colorado Regulation No. 8, Part E and are therefore not state-enforceable. Compliance with applicable requirements is not addressed in this report.

When do I have to comply with this subpart (§ 60.6595)

26.1.1 If you have an existing stationary CI RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions, you must comply with the applicable emission limitations, operating limitations, and other requirements no later than May 3, 2013. (§ 63.6595(a)(1))

What emission limitations and other requirements must I meet if I own or operate an existing stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions? (§ 63.6602)

26.1.2 If you own or operate an existing stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions, you must comply with the emission limitations and other requirements in Table 2c to this subpart which apply to you. Compliance with the numerical emission limitations established in this subpart is based on the results of testing the average of three 1-hour runs using the testing requirements and procedures in §63.6620 and Table 4 to this subpart. (§ 63.6602) Note that this engine is not subject to numerical emission limitations.

The requirements in Table 2c that apply to **the pump engines** are as follows:

- 26.1.2.1 Change oil and filter every 1,000 hours of operation or annually, whichever comes first. (Table 2c, item 2.a)
- 26.1.2.2 Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary. (Table 2c, item 2.a)
- 26.1.2.3 Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary. (Table 2c, item 2.c)

The requirements in Table 2C that apply to **the kiln engine** are as follows:

- 26.1.2.4 Change oil and filter every 500 hours of operation or annually, whichever comes first. (Table 2c, item 6.a)
- 26.1.2.5 Inspect spark plugs every 1,000 hours of operation or annually, whichever comes first, and replace as necessary. (Table 2c, item 6.b)
- 26.1.2.6 Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary. (Table 2c, item 6.c)

Notwithstanding the above requirements, the following applies:

- 26.1.2.7 **Kiln engine only.** If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the work practice requirements on the schedule required in Table 2c of this subpart, or if performing the work practice on the required schedule would otherwise pose an unacceptable risk under federal, state, or local law, the work practice can be delayed until the emergency is over or the unacceptable risk under federal, state, or local law has abated. The work practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under federal, state, or local law has abated. Sources must report any failure to perform the work practice on the schedule required and the federal, state or local law under which the risk was deemed unacceptable. (Table 2c, footnote 2)
- 26.1.2.8 Sources have the option to utilize an oil analysis program as described in Conditions 26.1.8 or 26.1.9 in order to extend the specified oil change requirement in Table 2c of this subpart. (Table 2c, footnote 2)
- 26.1.2.9 Sources can petition the Administrator pursuant to the requirements of 40 CFR 63.6(g) for alternative work practices. (Table 2c, footnote 3)

What are my general requirements for complying with this subpart? (§ 63.6605)

- 26.1.3 You must be in compliance with the emission limitations, operating limitations, and other requirements in this subpart that apply to you at all times. (§63.6605(a))

- 26.1.4 At all times you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. (§ 63.6605(b))

What are my monitoring, installation, collection, operation, and maintenance requirements? (§ 63.6625)

- 26.1.5 If you own or operate an existing stationary RICE with a site rating of less than 100 HP or an existing emergency or black start stationary RICE with a site rating of less than or equal to 500 HP located at a major source of HAP emissions you must operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions. (§ 63.6625(e), (e)(1) and (e)(1))
- 26.1.6 If you own or operate an existing emergency stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions or an existing emergency stationary RICE located at an area source of HAP emissions, you must install a non-resettable hour meter if one is not already installed. (60.6625(f))
- 26.1.7 If you operate a new, reconstructed, or existing stationary engine, you must minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup in Tables 1a, 2a, 2c, and 2d to this subpart apply. (§ 63.6625(h))
- 26.1.8 If you own or operate a stationary CI engine that is subject to the work, operation or management practices in Condition 26.1.2, you have the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Condition 26.1.2.1. The oil analysis must be performed at the same frequency specified for changing the oil in Condition 26.1.2.1. The analysis program must at a minimum analyze the following three parameters: Total Base Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Base Number is less than 30 percent of the Total Base Number of the oil when new; viscosity of the oil has

changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil. If any of the limits are exceeded, the engine owner or operator must change the oil within 2 business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil within 2 business days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine. (§ 63.6625(i))

- 26.1.9 **Kiln Engine only.** If you own or operate a stationary SI engine that is subject to the work, operation or management practices in Condition 26.1.2, you have the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Condition 26.1.2.4. The oil analysis must be performed at the same frequency specified for changing the oil in Condition 26.1.2.4. The analysis program must at a minimum analyze the following three parameters: Total Acid Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Acid Number increases by more than 3.0 milligrams of potassium hydroxide (KOH) per gram from Total Acid Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil. If any of the limits are exceeded, the engine owner or operator must change the oil within 2 business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil within 2 business days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.

How do I demonstrate continuous compliance with the emission limitations, operating limitations, and other requirements? (§ 63.6640)

- 26.1.10 You must demonstrate continuous compliance with each emission limitation, operating limitation, and other requirements in Tables 1a and 1b, Tables 2a and 2b, Table 2c, and Table 2d [Condition 26.1.2] to this subpart that apply to you according to methods specified in Table 6 to this subpart. (§ 63.6630(a))
- 26.1.10.1 Operating and maintaining the stationary RICE according to the manufacturer's emission-related operation and maintenance instructions (Table 6, item 9.a.i); or
- 26.1.10.2 Develop and follow your own maintenance plan which must provide

to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions. (Table 6, item 9.a.ii)

26.1.11 You must also report each instance in which you did not meet the requirements in Table 8 to this subpart that apply to you (Condition 26.1.16). (§ 63.6640(e))

26.1.12 **Kiln engine only.** If you own or operate an emergency stationary RICE, you must operate the emergency stationary RICE according to the requirements in Conditions 26.1.12.1 through 26.1.12.3. In order for the engine to be considered an emergency stationary RICE under this subpart, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year, as described in Conditions 26.1.12.1 through 26.1.12.3, is prohibited. If you do not operate the engine according to the requirements in Conditions 26.1.12.1 through 26.1.12.3, the engine will not be considered an emergency engine under this subpart and must meet all requirements for non-emergency engines. (§ 63.6640(f))

26.1.12.1 There is no time limit on the use of emergency stationary RICE in emergency situations. (§ 63.6640(f)(1))

26.1.12.2 You may operate your emergency stationary RICE for any combination of the purposes specified in Conditions 26.1.12.2.a through 26.1.12.2.c for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by Condition 26.1.12.3 counts as part of the 100 hours per calendar year allowed by this condition. (§ 63.6640(f)(2))

a. Emergency stationary RICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency RICE beyond 100 hours per calendar year. (§ 63.6640(f)(2)(i))

b. Emergency stationary RICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by

reference, see §63.14), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3. (§ 63.6640(f)(2)(ii))

- c. Emergency stationary RICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency. (§ 63.6640(f)(2)(iii))

26.1.12.3 Emergency stationary RICE located at major sources of HAP may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in Condition 26.1.12.2

26.1.12.4 . The 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity. (§ 63.6640(f)(3))

What records must I keep? (§ 63.6655)

26.1.13 You must keep records of the maintenance conducted on the stationary RICE in order to demonstrate that you operated and maintained the stationary RICE and after-treatment control device (if any) according to your own maintenance plan if you own or operate an existing stationary RICE with a site rating of less than 100 brake HP located at a major source of HAP emissions or an existing stationary emergency engine. (§ 63.6655(e), (e)(1) and (e)(2))

26.1.14 **Kiln engine only.** If you own or operate an existing emergency stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions that does not meet the standards applicable to non-emergency engines, you must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The owner or operator must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engine is used for the purposes specified in Conditions 26.1.12.2.b or 26.1.12.2.c or §63.6640(f)(4)(ii), the owner or operator must keep records of the notification of the emergency situation, and the date, start time, and end time of engine operation for these purposes. (§ 63.6655(f) and (f)(2))

In what form and how long shall I keep my records? (§ 63.6660)

26.1.15 Records shall be kept in the form and for the duration specified in § 63.6660.

What parts of the General Provisions apply to me? (§ 63.6665)

26.1.16 Table 8 to Subpart ZZZZ shows which parts of the General Provisions in §§ 63.1 through 63.15 apply to you. (§ 63.6665) The general provisions that apply to these engine include, but are not limited to the following:

26.1.16.1 Prohibited activities in § 63.4(a).

26.1.16.2 Circumvention in § 63.4(b).

The requirements in 40 CFR Part 63 Subpart ZZZZ promulgated after July 1, 2007 have not been adopted into Colorado Regulation No. 8, Part E and are therefore not state-enforceable. Compliance with applicable requirements is not addressed in this report.

26.2 Sulfur Dioxide (SO₂) emissions from **each pump engines** shall not exceed 0.8 lb/MMBtu (Colorado Regulation No. 1, Section VI.B.4.b.(i)). In the absence of credible evidence to the contrary, compliance with the SO₂ emission limitation shall be presumed since only diesel fuel is permitted to be used as fuel in these engines.

Without evidence to the contrary, compliance is presumed since diesel fuel is the only permitted fuel for these engines. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this Condition. (In Compliance)

26.3 Hours of operation **for each engine** shall be monitored annually (calendar year) and recorded in a log to be made available to the Division upon request.

If annual hours of operation exceed 806 hours for the 6 inch pump, 768 hours for the 8 inch pump, 1,261 hours for the kiln engine or 2,615 hours for the flood response engine, an APEN is required for that engine and an APEN shall be filed.

Hours of operation for the A-pit pump shall be used to calculate annual emissions as required by Condition 26.4

Cemex provided records of each engines operating hours on a 12-month rolling basis. The reported hours for period ending 4/30/2020 are in the table below. The source provided records that reported no operation in 2019 from Flood Response Engine EGEN-LYO-3 (99 HP Flood Response Cummins Model No. 4BTAA3.3G7 Diesel) but also reported a method 9 was performed on the unit. The source was asked to explain how a method 9 was conducted on the unit that did not operate in 2019. The source reported “The Method 9 was performed on 12/12/2019 to fulfill calendar year Method 9

requirements, but EGEN-LYO-3 was not put into service during 2019. Accordingly, I have updated the Lyons Plant Emissions Inventory to reflect 0.5 hours in December 2019”; the updated inventory was not provided. It should be noted that condition 26.5.4.3 states “If an engine is not operated during the annual (calendar year) period, then no opacity observation is required”. It is unclear why the engine was operated solely for the purpose of conducting a method 9 and it is very concerning that operation is not being accurately monitoring, tracked, recorded &/or reported; see condition 26.5. Hours of operation for each engine are not accurately monitoring, tracked, recorded &/or reported. (Not In Compliance)

Unit	Plant ID (Permit)	Plant ID (Records)	SN	Limit (hours)	Reported 12-month rolling (hours)	Reported Cal Yr 2019	Reported 12-month rolling NOx (tons)
John Deere 90 HP A-pit Pump Model JD-APP01 Diesel	A-pit Pump (053)	EGEN-LYO-1	JD-APP01		95.00	55.90	0.13
John Deere 80 HP 6" Pump Model No. T0404045DF150 Diesel	Dowe Flats 6" Pump (XA)	EGEN-DF-1	T04045D703049	806	49.60	45.15	0.06
John Deere, Model No. T0404045DF15084 HP 8" Pump Diesel	Dowe Flats 8" Pump (XA)	EGEN-DF-2	R121402/97109251	768	484.97	590.90	0.63
230 HP Donkey Aux Drive Motor Natural Gas [Maintenance + Non-Emergency Hours]	Kiln Donkey Engine (XA)	EGEN-LYO-2	None Available	100	0.00	17.75	0.53
230 HP Donkey Aux Drive Motor Natural Gas [Other Non-Emergency Hours]				50	0.00	17.75	



230 HP Donkey Aux Drive Motor Natural Gas Hours [hr/yr]				1,216	160.35	213.00	
99 HP Flood Response Cummins Model No. 4BTAA3.3G7 Diesel [Maintenance + Non- Emergency Hours]	Flood Response Engine (XA)	EGEN- LYO-3	75021552	100	0.00	0.00	0.00037 0
99 HP Flood Response Cummins Model No. 4BTAA3.3G7 Diesel [Other Non- Emergency Hours]				50	0.00	0.00	
99 HP Flood Response Cummins Model No. 4BTAA3.3G7 Diesel Hours [hr/yr]				2,615	1.08	0.00	
John Deere, Model No. T0404045DF15 084 HP 8" Pump Diesel Hours [hr/yr]	Dowe Flats 8" Pump (XA)	EGEN- DF-3	T04045T532755		59.60	86.86	0.08
Caterpillar, Model No. C7 225 HP 6" Pump Diesel Hours [hr/yr]	Catterpill ar C7 Diesel 225 hp 6" Pump	EGEN- DF-4	JTF14716		68.80	25.80	0.09
Honda GX340 10.7 HP 4" Trash Pump	4" Trash Pump	EGEN- DF-5	None Provided		0.00	0.00	0.00



(4x4) Engine Diesel Hours [hr/yr]							
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26.4 Annual emissions for purposes of APEN reporting and the payment of annual fees shall be estimated using hours of operation (as required by Condition 26.3), the maximum horsepower (90 hp) and the above emission factors (AP-42, Section 3.3 (dated 10/96), Table 3.3-1) in the following equation:

$$\text{Emissions (tons/yr)} = \frac{\text{EF (lb-hp-hr)} \times \text{annual hours of operation (hr/yr)} \times \text{max hp}}{2000 \text{ lb/ton}}$$

Note that if emissions from the A-pit pump engine fall below 1 ton per year of NO_x (716 hours per year of operation), then the APEN can be cancelled for this engine by submitting an APEN cancellation form. However, if in any calendar year, emissions of NO_x exceed 1 ton per year, an APEN must be re-filed.

These emission units are exempt from the APEN reporting requirements in Regulation No. 3, Part A and the construction permit requirements in Regulation No. 3, Part B provided actual, uncontrolled emissions do not exceed the APEN de minimis level (1 ton/yr of NO_x). The reported emissions are in the table above. The 2018 inspection identified 8 engines on site and one had exceeded the APEN threshold; an APEN was received 5/30/2019. For the purposes of this inspection report the source is in compliance. (In Compliance)

26.5 Opacity of emissions **from each engine** shall not exceed the following:

26.5.1 Except as provided for in Condition 26.5.2 below, no owner or operator of a source shall allow or cause the emission into the atmosphere of any air pollutant which is in excess of 20% opacity (Colorado Regulation No. 1, Section II.A.1).

26.5.2 No owner or operator of a source shall allow or cause to be emitted into the atmosphere any air pollutant resulting from startup which is in excess of 30% opacity for a period or periods aggregating more than six (6) minutes in any sixty (60) consecutive minutes (Colorado Regulation No. 1, Section II.A.4).

Compliance with these limitations shall be monitored by conducting opacity observations in accordance with EPA Reference Method 9 as follows:

26.5.3 **For natural gas-fired engines (kiln engine).** In the absence of credible evidence to the contrary, compliance with eh opacity requirements will be presumed since only natural gas is used as fuel in this engine. The permittee



shall maintain records that verify that only natural gas is used as fuel in this engine.

26.5.4 **For diesel fuel fired engines (pump engines and flood relief engine).** Compliance with the opacity limitations shall be monitored by conducting opacity observations in accordance with Method 9 as follows:

26.5.4.1 As specified in Condition 26.1.7 engine startup shall not exceed 30 minutes. An engine startup period of less than 30 minutes shall not require an opacity observation to monitor compliance with the opacity limit in Condition 26.5.2. A record shall be kept of the date and time the engine started and when it was shutdown.

26.5.4.2 An opacity observation shall be conducted annually (calendar year period) on each engine to monitor compliance with the opacity limit in Condition 26.5.1. Annual opacity observations for an individual engine shall be separated by a period of four (4) months.

If an engine is operated more than 250 hours in any calendar year period, a second opacity observation shall be conducted. If two opacity readings are conducted in the annual (calendar year) period, such readings shall be conducted at least thirty days apart.

26.5.4.3 If an engine is not operated during the annual (calendar year) period, then no opacity observation is required.

26.5.4.4 Subject to the provisions of C.R.S. 25-7-123.1 and in the absence of credible evidence to the contrary, exceedance of the opacity limit shall be considered to exist from the time a Method 9 reading is taken that shows an exceedance of the opacity limit until a Method 9 reading is taken that shows the opacity is less than the opacity limit.

26.5.4.5 All opacity observations shall be performed by an observer with current and valid Method 9 certification. Results of Method 9 readings and a copy of the certified Method 9 reader's certificate shall be kept on site and made available to the Division upon request.

The sources were not operating at the time of this inspection and no visible emissions issues were noted. The source conducted one Method 9 reading on each engines that operated in 2019 with no exceedances noted. It was noted while reviewing the records provided by the source that a second 6-minute Method 9 was not performed on the Dowe Flats 8" Pump EGEN-DF-2 (John Deere, Model No. T0404045DF15084 HP 8" Pump Diesel) that was operated for more than 250 hours in 2019. The source reported "On 11/18/2019, the unit went Out of Service and the second Method 9 to close out 2019 was unable to be performed". The source provided records that reported no operation in 2019 from the Flood Response Engine EGEN-LYO-3 (99 HP Flood Response Cummins Model No. 4BTAA3.3G7 Diesel) but also reported a method 9 was performed on the unit. The source was asked to explain how a method 9 was conducted on the unit that did not

operate in 2019. The source reported “The Method 9 was performed on 12/12/2019 to fulfill calendar year Method 9 requirements, but EGEN-LYO-3 was not put into service during 2019. Accordingly, I have updated the Lyons Plant Emissions Inventory to reflect 0.5 hours in December 2019”; the updated inventory was not provided. It should be noted that condition 26.5.4.3 states “If an engine is not operated during the annual (calendar year) period, then no opacity observation is required”. It is unclear why the engine was operated solely for the purpose of conducting a method 9 and it is very concerning that operation is not being accurately tracked, recorded &/or reported; see condition 26.3. A second 6-minute Method 9 was not performed on EGEN-DF-2 as required by 26.5.4.2. (Not In Compliance)

Unit	Plant ID (Permit)	Plant ID (Records)	SN	Reported Cal Yr 2019	M9 Reading Date(s)
John Deere 90 HP A-pit Pump Model JD-APP01 Diesel	A-pit Pump (053)	EGEN- LYO-1	JD-APP01	55.90	7/9/2019 6/26/2020
John Deere 80 HP 6" Pump Model No. T0404045DF150 Diesel	Dowe Flats 6" Pump (XA)	EGEN- DF-1	T04045D703049	45.15	3/30/2019 4/23/2020
John Deere, Model No. T0404045DF15084 HP 8" Pump Diesel	Dowe Flats 8" Pump (XA)	EGEN- DF-2	R121402/97109251	590.90	6/25/2019
99 HP Flood Response Cummins Model No. 4BTAA3.3G7 Diesel [Maintenance + Non-Emergency Hours]	Flood Response Engine (XA)	EGEN- LYO-3	75021552	0.00	12/12/2019 (No operation reported in 2019) 6/26/2020
99 HP Flood Response Cummins Model No. 4BTAA3.3G7 Diesel [Other Non-Emergency Hours]				0.00	
99 HP Flood Response Cummins Model				0.00	



No. 4BTAA3.3G7 Diesel Hours [hr/yr]					
John Deere, Model No. T0404045DF15084 HP 8" Pump Diesel Hours [hr/yr]	Dowe Flats 8" Pump (XA)	EGEN- DF-3	T04045T532755	86.86	3/30/2019
Caterpillar, Model No. C7 225 HP 6" Pump Diesel Hours [hr/yr]	Catterpillar C7 Diesel 225 hp 6" Pump	EGEN- DF-4	JTF14716	25.80	3/30/2019 4/23/2020
Honda GX340 10.7 HP 4" Trash Pump (4x4) Engine Diesel Hours [hr/yr]	4" Trash Pump	EGEN- DF-5	None Provided	0.00	NA (No operation reported)

26.6 The **flood response engine** is subject to the requirements in 40 CFR Part 60 Subpart III, “Standards of Performance for Stationary Compression Ignition Internal Combustion Engines”, as adopted by reference in Colorado Regulation No. 6, Part A, including but not limited to the following requirements:

The requirements below reflect the rule language in 40 CFR Part 60 Subpart III as of the latest revisions to 40 CFR Part 60 Subpart III published in the Federal Register on July 7, 2016. However, if revisions to this Subpart are promulgated at a later date, the owner or operator is subject to the requirements contained in the revised version of 40 CFR Part 60 Subpart III.

The D. C. Circuit Court issued a mandate on May 4, 2016 for vacatur for certain requirements allowing emergency engines to operate for limited hours for demand response. Upon issuance of the mandate § 60.4211(f)(2)(ii)-(iii) (Conditions 26.6.8.2.b and c) have no legal effect. Operation of emergency engines is limited to emergency situations specified in 60.4211(f)(1) (Condition 26.6.8.1); maintenance checks and readiness testing for a limited number of hours per year as specified in 60.4211(f)(2)(i) (Condition 26.6.8.2.a); and certain non-emergency situations for a limited number of hours per year as specified in 60.4211(f)(3) (Condition 26.6.8.3). See EPA memorandum dated April 15, 2016 regarding “Guidance on Vacatur of RICE NESHAP and NSPS Provisions for Emergency Engines” for more information.

It should be noted that additional revisions to the requirements in 40 CFR Part 60 Subpart III are expected to be made in response to issues related to the vacatur or requirements associated with the allowable hours of operation provisions for emergency engines

discussed in the above paragraph. If such revisions are finalized prior to issuance of the permit, they will be included in the permit.

What emission standards must I meet for emergency engines if I am an owner or operator of a stationary CI internal combustion engine? (§ 60.4205)

26.6.1 Owners and operators of 2007 model year and later emergency stationary CI ICE with a displacement of less than 30 liters per cylinder that are not fire pump engines must comply with the emission standards for new nonroad CI engines in § 60.4202, for all pollutants, for the same model year and maximum engine power for their 2007 model year and later emergency stationary CI ICE. (§ 60.4205(b))

Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a maximum engine power less than or equal to 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder that are not fire pump engines to the emission standards specified in paragraphs (a)(1) through (2) of this section. (§ 60.4202(a))

For engines with a maximum engine power greater than or equal to 37 KW (50 HP), the certification emission standards for new nonroad CI engines for the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants beginning in model year 2007. (§ 60.4202(a)(2))

The specific emission limitations in 40 CFR 89.112 that apply to engine E001 are as follows:

Tier 3 requirements for Model Engines Greater than or Equal to 37 kW and Less than 75 kW					
Emission Standards (g/kW-hr)			Emission Standards (g/hp-hr)		
NMHC + NOX	CO	PM	NMHC + NOX	CO	PM
4.7	5.0	0.40	3.50	3.72	0.30

How long must I meet the emission standards if I am an owner or operator of a stationary CI internal combustion engine? (§ 60.4206)

26.6.2 Owners and operators of stationary CI ICE must operate and maintain stationary CI ICE that achieve the emission standards as required in §§60.4204 and 60.4205 over the entire life of the engine. (§ 60.4206)

What fuel requirements must I meet if I am an owner or operator of a stationary CI internal combustion engine subject to this subpart? (§ 60.4207)



- 26.6.3 Beginning October 1, 2010, owners and operators of stationary CI ICE subject to this subpart with a displacement of less than 30 liters per cylinder that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(b) for nonroad diesel fuel, except that any existing diesel fuel purchased (or otherwise obtained) prior to October 1, 2010, may be used until depleted. ((§ 60.4207(a))

The fuel limitations in 80.510(b) are: sulfur content of 15 ppm maximum for NR diesel fuel and 500 ppm maximum for LM diesel fuel and a minimum cetane index of 40 or a maximum aromatic content of 35 volume percent.

Compliance with the fuel limitations shall be monitored by sampling and analyzing each shipment of diesel fuel to determine the sulfur and cetane and/or aromatic content using appropriate ASTM methods, or equivalent if approved in advance by the Division. In lieu of sampling, vendor data may be used to verify that the diesel fuel delivered meets the sulfur and cetane and/or aromatic requirements.

What are the monitoring requirements if I am an owner or operator of a stationary CI internal combustion engine? (§ 60.4209)

If you are an owner or operator, you must meet the monitoring requirements of this section. In addition, you must also meet the monitoring requirements specified in §60.4211.

- 26.6.4 If you are an owner or operator of an emergency stationary CI internal combustion engine that does not meet the standards applicable to non-emergency engines, you must install a non-resettable hour meter prior to startup of the engine. (§ 60.4209(a))

- 26.6.5 If you are an owner or operator of a stationary CI internal combustion engine equipped with a diesel particulate filter to comply with the emission standards in §60.4204, the diesel particulate filter must be installed with a backpressure monitor that notifies the owner or operator when the high backpressure limit of the engine is approached. (§ 60.4209(b))

What are my compliance requirements if I am an owner or operator of a stationary CI internal combustion engine? (§ 60.4211)

- 26.6.6 If you are an owner or operator and must comply with the emission standards specified in this subpart, you must do all of the following, except as permitted under § 60.4211(g) (Condition 26.6.9):

26.6.6.1 Operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's emission-related written instructions;

26.6.6.2 Change only those emission-related settings that are permitted by the manufacturer; and

- 26.6.6.3 Meet the requirements of 40 CFR parts 89, 94 and/or 1068, as they apply to you. (§ 60.4211(a)(1) – (3))
- 26.6.7 If you are an owner or operator of a 2007 model year and later stationary CI internal combustion engine and must comply with the emission standards specified in §60.4204(b) or §60.4205(b), or if you are an owner or operator of a CI fire pump engine that is manufactured during or after the model year that applies to your fire pump engine power rating in table 3 to this subpart and must comply with the emission standards specified in §60.4205(c), you must comply by purchasing an engine certified to the emission standards in §60.4204(b), or §60.4205(b) or (c), as applicable, for the same model year and maximum (or in the case of fire pumps, NFPA nameplate) engine power. The engine must be installed and configured according to the manufacturer's emission-related specifications, except as permitted in § 60.4211(g) (Condition 26.6.9). (§ 60.4211(c))
- 26.6.8 If you own or operate an emergency stationary ICE, you must operate the emergency stationary ICE according to the requirements in 60.4211(f)(1) through (3) (Conditions 26.6.8.1 through 26.6.8.3). In order for the engine to be considered an emergency stationary ICE under this subpart, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year, as described in 60.4211(f)(1) through (3) (Conditions 26.6.8.1 through 26.6.8.3), is prohibited. If you do not operate the engine according to the requirements in 60.4211(f)(1) through (3) (Conditions 26.6.8.1 through 26.6.8.3), the engine will not be considered an emergency engine under this subpart and must meet all requirements for non-emergency engines. (§ 60.4211(f))
- 26.6.8.1 There is no time limit on the use of emergency stationary ICE in emergency situations. (60.4211(f)(1))
- 26.6.8.2 You may operate your emergency stationary ICE for any combination of the purposes specified in 60.4211(f)(2)(i) through (iii) for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by 60.4211(f)(3) counts as part of the 100 hours per calendar year allowed by this paragraph (f)(2). (60.4211(f)(2))
- a. Emergency stationary ICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records

indicating that federal, state, or local standards require maintenance and testing of emergency ICE beyond 100 hours per calendar year. (60.4211(f)(2)(i))

- b. Emergency stationary ICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency ICE beyond 100 hours per calendar year. (60.4211(f)(2)(ii))
- c. Emergency stationary ICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency. (60.4211(f)(2)(iii))

26.6.8.3 Emergency stationary ICE may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in 60.4211(f)(2) (Condition 26.6.8.2). Except as provided in 60.4211(f)(3)(i), the 50 hours per calendar year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity. (60.4211(f)(3))

- a. The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the requirements in 60.4211(f)(3)(i)(A) through (E) are met. (60.4211(f)(3)(i))

26.6.9 If you do not install, configure, operate, and maintain your engine and control device according to the manufacturer's emission-related written instructions, or you change emission-related settings in a way that is not permitted by the manufacturer, you must demonstrate compliance as specified in § 60.4211(g)(1) through (3), as applicable. (§ 60.4211(g))

What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine? (§ 60.4214)

- 26.6.10 If the stationary CI internal combustion engine is an emergency stationary internal combustion engine, the owner or operator is not required to submit an initial notification. Starting with the model years in table 5 to this subpart, if the emergency engine does not meet the standards applicable to non-emergency engines in the applicable model year, the owner or operator must keep records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The owner must record the time of operation of the engine and the reason the engine was in operation during that time. (§ 60.4214(b))
- 26.6.11 If the stationary CI internal combustion engine is equipped with a diesel particulate filter, the owner or operator must keep records of any corrective action taken after the backpressure monitor has notified the owner or operator that the high backpressure limit of the engine is approached. (§ 60.4214(c))

What parts of the general provisions apply to me? (§ 60.4218)

- 26.6.12 Table 8 of this subpart shows which parts of the General Provisions in §§ 60.1 through 60.19 apply to you. (§ 60.4218) The general provisions that apply to these engines include, but are not limited to the following:
- 26.6.12.1 No article, machine, equipment or process shall be used to conceal an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gasses discharged to the atmosphere (§ 60.12).

The source provided manufacturer emissions conformity sheets at the time of permit drafting to demonstrate compliance with the emissions limits. Only diesel fuel meeting the requirements of the standard is burned. No evidence was observed during the inspection to indicate that they are not operating a manner consistent with good air pollution control practices for minimizing emissions. No evidence was observed during the inspection to indicate that the source was attempting to conceal emissions. The source tracks start up, shutdown and malfunction events. In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with this condition. (In Compliance)

- 26.7 The **flood response engine** is subject to the requirements in 40 CF Part 63 Subpart ZZZZ, “National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.” The specific applicable requirements are as follows:

Note that as of the date of renewal permit issuance [March 1, 2017], the requirements in 40 CFR Part 63 Subpart ZZZZ promulgated after July 1, 2007 have not been adopted into

Colorado Regulation No. 8, Part E by the Division and are therefore not state-enforceable. In the event that the Division adopts these requirements they will be state-enforceable.

A new or reconstructed emergency or limited use stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions must meet the requirements of this part by meeting the requirements of 40 CFR part 60 subpart IIII, for compression ignition engines. No further requirements apply for such engines under this part. (63.6590(c) and (c)(6))

The requirements in 40 CFR Part 63 Subpart ZZZZ promulgated after July 1, 2007 have not been adopted into Colorado Regulation No. 8, Part E and are therefore not state-enforceable. Compliance with applicable requirements is not addressed in this report.

SECTION III - Permit Shield

In the absence of credible evidence and without indications to the contrary, source is presumed in compliance with the Permit Shield. (In Compliance)

SECTION IV - General Permit Conditions

5/22/12 version

1. Administrative Changes

Regulation No. 3, 5 CCR 1001-5, Part A, § III.

The permittee shall submit an application for an administrative permit amendment to the Division for those permit changes that are described in Regulation No. 3, Part A, § I.B.1. The permittee may immediately make the change upon submission of the application to the Division.

2. Certification Requirements

Regulation No. 3, 5 CCR 1001-5, Part C, §§ III.B.9., V.C.16.a.& e. and V.C.17.

- a. Any application, report, document and compliance certification submitted to the Air Pollution Control Division pursuant to Regulation No. 3 or the Operating Permit shall contain a certification by a responsible official of the truth, accuracy and completeness of such form, report or certification stating that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

- b. All compliance certifications for terms and conditions in the Operating Permit shall be submitted to the Air Pollution Control Division at least annually unless a more frequent period is specified in the applicable requirement or by the Division in the Operating Permit.
- c. Compliance certifications shall contain:
 - (i) the identification of each permit term and condition that is the basis of the certification;
 - (ii) the compliance status of the source;
 - (iii) whether compliance was continuous or intermittent;
 - (iv) method(s) used for determining the compliance status of the source, currently and over the reporting period; and
 - (v) such other facts as the Air Pollution Control Division may require to determine the compliance status of the source.
- d. All compliance certifications shall be submitted to the Air Pollution Control Division and to the Environmental Protection Agency at the addresses listed in Appendix D of this Permit.
- e. If the permittee is required to develop and register a risk management plan pursuant to § 112(r) of the federal act, the permittee shall certify its compliance with that requirement; the Operating Permit shall not incorporate the contents of the risk management plan as a permit term or condition.

3. **Common Provisions**

Common Provisions Regulation, 5 CCR 1001-2 §§ II.A., II.B., II.C., II.E., II.F., II.I, and II.J

- a. **To Control Emissions Leaving Colorado**

When emissions generated from sources in Colorado cross the State boundary line, such emissions shall not cause the air quality standards of the receiving State to be exceeded, provided reciprocal action is taken by the receiving State.
- b. **Emission Monitoring Requirements**

The Division may require owners or operators of stationary air pollution sources to install, maintain, and use instrumentation to monitor and record emission data as a basis for periodic reports to the Division.
- c. **Performance Testing**

The owner or operator of any air pollution source shall, upon request of the Division, conduct performance test(s) and furnish the Division a written report of the results of

such test(s) in order to determine compliance with applicable emission control regulations.

Performance test(s) shall be conducted and the data reduced in accordance with the applicable reference test methods unless the Division:

- (i) specifies or approves, in specific cases, the use of a test method with minor changes in methodology;
- (ii) approves the use of an equivalent method;
- (iii) approves the use of an alternative method the results of which the Division has determined to be adequate for indicating where a specific source is in compliance; or
- (iv) waives the requirement for performance test(s) because the owner or operator of a source has demonstrated by other means to the Division's satisfaction that the affected facility is in compliance with the standard. Nothing in this paragraph shall be construed to abrogate the Commission's or Division's authority to require testing under the Colorado Revised Statutes, Title 25, Article 7, and pursuant to regulations promulgated by the Commission.

Compliance test(s) shall be conducted under such conditions as the Division shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Division such records as may be necessary to determine the conditions of the performance test(s). Operations during period of startup, shutdown, and malfunction shall not constitute representative conditions of performance test(s) unless otherwise specified in the applicable standard.

The owner or operator of an affected facility shall provide the Division thirty days prior notice of the performance test to afford the Division the opportunity to have an observer present. The Division may waive the thirty day notice requirement provided that arrangements satisfactory to the Division are made for earlier testing.

The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

- (i) Sampling ports adequate for test methods applicable to such facility;
- (ii) Safe sampling platform(s);
- (iii) Safe access to sampling platform(s); and
- (iv) Utilities for sampling and testing equipment.

Each performance test shall consist of at least three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic mean of results of at least three runs shall apply. In the event that

a sample is accidentally lost or conditions occur in which one of the runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the owner or operator's control, compliance may, upon the Division's approval, be determined using the arithmetic mean of the results of the two other runs.

Nothing in this section shall abrogate the Division's authority to conduct its own performance test(s) if so warranted.

d. Affirmative Defense Provision for Excess Emissions during Malfunctions

An affirmative defense to a claim of violation under these regulations is provided to owners and operators for civil penalty actions for excess emissions during periods of malfunction. To establish the affirmative defense and to be relieved of a civil penalty in any action to enforce an applicable requirement, the owner or operator of the facility must meet the notification requirements below in a timely manner and prove by a preponderance of evidence that:

- (i) The excess emissions were caused by a sudden, unavoidable breakdown of equipment, or a sudden, unavoidable failure of a process to operate in the normal or usual manner, beyond the reasonable control of the owner or operator;
- (ii) The excess emissions did not stem from any activity or event that could have reasonably been foreseen and avoided, or planned for, and could not have been avoided by better operation and maintenance practices;
- (iii) Repairs were made as expeditiously as possible when the applicable emission limitations were being exceeded;
- (iv) The amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent practicable during periods of such emissions;
- (v) All reasonably possible steps were taken to minimize the impact of the excess emissions on ambient air quality;
- (vi) All emissions monitoring systems were kept in operation (if at all possible);
- (vii) The owner or operator's actions during the period of excess emissions were documented by properly signed, contemporaneous operating logs or other relevant evidence;
- (viii) The excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance;
- (ix) At all times, the facility was operated in a manner consistent with good practices for minimizing emissions. This section is intended solely to be a factor in determining whether an affirmative defense is available to an owner or operator, and shall not constitute an additional applicable requirement; and

- (x) During the period of excess emissions, there were no exceedances of the relevant ambient air quality standards established in the Commissions' Regulations that could be attributed to the emitting source.

The owner or operator of the facility experiencing excess emissions during a malfunction shall notify the division verbally as soon as possible, but no later than noon of the Division's next working day, and shall submit written notification following the initial occurrence of the excess emissions by the end of the source's next reporting period. The notification shall address the criteria set forth above.

The Affirmative Defense Provision contained in this section shall not be available to claims for injunctive relief.

The Affirmative Defense Provision does not apply to failures to meet federally promulgated performance standards or emission limits, including, but not limited to, new source performance standards and national emission standards for hazardous air pollutants. The affirmative defense provision does not apply to state implementation plan (sip) limits or permit limits that have been set taking into account potential emissions during malfunctions, including, but not necessarily limited to, certain limits with 30-day or longer averaging times, limits that indicate they apply during malfunctions, and limits that indicate they apply at all times or without exception.

e. Circumvention Clause

A person shall not build, erect, install, or use any article, machine, equipment, condition, or any contrivance, the use of which, without resulting in a reduction in the total release of air pollutants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of this regulation. No person shall circumvent this regulation by using more openings than is considered normal practice by the industry or activity in question.

f. Compliance Certifications

For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in the Colorado State Implementation Plan, nothing in the Colorado State Implementation Plan shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed. Evidence that has the effect of making any relevant standard or permit term more stringent shall not be credible for proving a violation of the standard or permit term.

When compliance or non-compliance is determined by a test or procedure provided by permit or other applicable requirement, the owner or operator shall be presumed to be in compliance or non-compliance unless other relevant credible evidence overcomes that presumption.

g. Affirmative Defense Provision for Excess Emissions During Startup and Shutdown

An affirmative defense is provided to owners and operators for civil penalty actions for excess emissions during periods of startup and shutdown. To establish the affirmative defense and to be relieved of a civil penalty in any action to enforce an applicable requirement, the owner or operator of the facility must meet the notification requirements below in a timely manner and prove by a preponderance of the evidence that:

- (i) The periods of excess emissions that occurred during startup and shutdown were short and infrequent and could not have been prevented through careful planning and design;
- (ii) The excess emissions were not part of a recurring pattern indicative of inadequate design, operation or maintenance;
- (iii) If the excess emissions were caused by a bypass (an intentional diversion of control equipment), then the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (iv) The frequency and duration of operation in startup and shutdown periods were minimized to the maximum extent practicable;
- (v) All possible steps were taken to minimize the impact of excess emissions on ambient air quality;
- (vi) All emissions monitoring systems were kept in operation (if at all possible);
- (vii) The owner or operator's actions during the period of excess emissions were documented by properly signed, contemporaneous operating logs or other relevant evidence; and,
- (viii) At all times, the facility was operated in a manner consistent with good practices for minimizing emissions. This subparagraph is intended solely to be a factor in determining whether an affirmative defense is available to an owner or operator, and shall not constitute an additional applicable requirement.

The owner or operator of the facility experiencing excess emissions during startup and shutdown shall notify the Division verbally as soon as possible, but no later than two (2) hours after the start of the next working day, and shall submit written quarterly notification following the initial occurrence of the excess emissions. The notification shall address the criteria set forth above.

The Affirmative Defense Provision contained in this section shall not be available to claims for injunctive relief.

The Affirmative Defense Provision does not apply to State Implementation Plan provisions or other requirements that derive from new source performance standards or national emissions standards for hazardous air pollutants, or any other federally enforceable performance standard or emission limit with an averaging time greater than twenty-four hours. In addition, an affirmative defense cannot be used by a single source or small group of sources where the excess emissions have the potential to cause an

exceedance of the ambient air quality standards or Prevention of Significant Deterioration (PSD) increments.

In making any determination whether a source established an affirmative defense, the Division shall consider the information within the notification required above and any other information the Division deems necessary, which may include, but is not limited to, physical inspection of the facility and review of documentation pertaining to the maintenance and operation of process and air pollution control equipment.

4. Compliance Requirements

Regulation No. 3, 5 CCR 1001-5, Part C, §§ III.C.9., V.C.11. & 16.d. and § 25-7-122.1(2), C.R.S.

- a. The permittee must comply with all conditions of the Operating Permit. Any permit noncompliance relating to federally-enforceable terms or conditions constitutes a violation of the federal act, as well as the state act and Regulation No. 3. Any permit noncompliance relating to state-only terms or conditions constitutes a violation of the state act and Regulation No. 3, shall be enforceable pursuant to state law, and shall not be enforceable by citizens under § 304 of the federal act. Any such violation of the federal act, the state act or regulations implementing either statute is grounds for enforcement action, for permit termination, revocation and reissuance or modification or for denial of a permit renewal application.
- b. It shall not be a defense for a permittee in an enforcement action or a consideration in favor of a permittee in a permit termination, revocation or modification action or action denying a permit renewal application that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
- c. The permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of any request by the permittee for a permit modification, revocation and reissuance, or termination, or any notification of planned changes or anticipated noncompliance does not stay any permit condition, except as provided in §§ X. and XI. of Regulation No. 3, Part C.
- d. The permittee shall furnish to the Air Pollution Control Division, within a reasonable time as specified by the Division, any information that the Division may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Division copies of records required to be kept by the permittee, including information claimed to be confidential. Any information subject to a claim of confidentiality shall be specifically identified and submitted separately from information not subject to the claim.
- e. Any schedule for compliance for applicable requirements with which the source is not in compliance at the time of permit issuance shall be supplemental, and shall not sanction noncompliance with, the applicable requirements on which it is based.
- f. For any compliance schedule for applicable requirements with which the source is not in compliance at the time of permit issuance, the permittee shall submit, at least every 6

months unless a more frequent period is specified in the applicable requirement or by the Air Pollution Control Division, progress reports which contain the following:

- (i) dates for achieving the activities, milestones, or compliance required in the schedule for compliance, and dates when such activities, milestones, or compliance were achieved; and
 - (ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.
- g. The permittee shall not knowingly falsify, tamper with, or render inaccurate any monitoring device or method required to be maintained or followed under the terms and conditions of the Operating Permit.

5. **Emergency Provisions**

Regulation No. 3, 5 CCR 1001-5, Part C, § VII.

An emergency means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed the technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. "Emergency" does not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error. An emergency constitutes an affirmative defense to an enforcement action brought for noncompliance with a technology-based emission limitation if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. an emergency occurred and that the permittee can identify the cause(s) of the emergency;
- b. the permitted facility was at the time being properly operated;
- c. during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- d. the permittee submitted oral notice of the emergency to the Air Pollution Control Division no later than noon of the next working day following the emergency, and followed by written notice within one month of the time when emissions limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

This emergency provision is in addition to any emergency or malfunction provision contained in any applicable requirement.

6. **Emission Controls for Asbestos**

Regulation No. 8, 5 CCR 1001-10, Part B

The permittee shall not conduct any asbestos abatement activities except in accordance with the provisions of Regulation No. 8, Part B, “asbestos control.”

7. Emissions Trading, Marketable Permits, Economic Incentives

Regulation No. 3, 5 CCR 1001-5, Part C, § V.C.13.

No permit revision shall be required under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are specifically provided for in the permit.

8. Fee Payment

C.R.S. §§ 25-7-114.1(6) and 25-7-114.7

- a. The permittee shall pay an annual emissions fee in accordance with the provisions of C.R.S. § 25-7-114.7. A 1% per month late payment fee shall be assessed against any invoice amounts not paid in full on the 91st day after the date of invoice, unless a permittee has filed a timely protest to the invoice amount.
- b. The permittee shall pay a permit processing fee in accordance with the provisions of C.R.S. § 25-7-114.7. If the Division estimates that processing of the permit will take more than 30 hours, it will notify the permittee of its estimate of what the actual charges may be prior to commencing any work exceeding the 30 hour limit.
- c. The permittee shall pay an APEN fee in accordance with the provisions of C.R.S. § 25-7-114.1(6) for each APEN or revised APEN filed.

9. Fugitive Particulate Emissions

Regulation No. 1, 5 CCR 1001-3, § III.D.1.

The permittee shall employ such control measures and operating procedures as are necessary to minimize fugitive particulate emissions into the atmosphere, in accordance with the provisions of Regulation No. 1, § III.D.1.

10. Inspection and Entry

Regulation No. 3, 5 CCR 1001-5, Part C, § V.C.16.b.

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Air Pollution Control Division, or any authorized representative, to perform the following:

- a. enter upon the permittee’s premises where an Operating Permit source is located, or emissions-related activity is conducted, or where records must be kept under the terms of the permit;
- b. have access to, and copy, at reasonable times, any records that must be kept under the conditions of the permit;



- c. inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the Operating Permit;
- d. sample or monitor at reasonable times, for the purposes of assuring compliance with the Operating Permit or applicable requirements, any substances or parameters.

11. Minor Permit Modifications

Regulation No. 3, 5 CCR 1001-5, Part C, §§ X. & XI.

The permittee shall submit an application for a minor permit modification before making the change requested in the application. The permit shield shall not extend to minor permit modifications.

12. New Source Review

Regulation No. 3, 5 CCR 1001-5, Part B

The permittee shall not commence construction or modification of a source required to be reviewed under the New Source Review provisions of Regulation No. 3, Part B, without first receiving a construction permit.

13. No Property Rights Conveyed

Regulation No. 3, 5 CCR 1001-5, Part C, § V.C.11.d.

This permit does not convey any property rights of any sort, or any exclusive privilege.

14. Odor

Regulation No. 2, 5 CCR 1001-4, Part A

As a matter of state law only, the permittee shall comply with the provisions of Regulation No. 2 concerning odorous emissions.

15. Off-Permit Changes to the Source

Regulation No. 3, 5 CCR 1001-5, Part C, § XII.B.

The permittee shall record any off-permit change to the source that causes the emissions of a regulated pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from the change, including any other data necessary to show compliance with applicable ambient air quality standards. The permittee shall provide contemporaneous notification to the Air Pollution Control Division and to the Environmental Protection Agency at the addresses listed in Appendix D of this Permit . The permit shield shall not apply to any off-permit change.

16. Opacity

Regulation No. 1, 5 CCR 1001-3, §§ I., II.

The permittee shall comply with the opacity emissions limitation set forth in Regulation No. 1, §§ I.-II.

17. Open Burning

Regulation No. 9, 5 CCR 1001-11

The permittee shall obtain a permit from the Division for any regulated open burning activities in accordance with provisions of Regulation No. 9.

18. Ozone Depleting Compounds

Regulation No. 15, 5 CCR 1001-17

The permittee shall comply with the provisions of Regulation No. 15 concerning emissions of ozone depleting compounds. Sections I., II.C., II.D., III. IV., and V. of Regulation No. 15 shall be enforced as a matter of state law only.

19. Permit Expiration and Renewal

Regulation No. 3, 5 CCR 1001-5, Part C, §§ III.B.6., IV.C., V.C.2.

- a. The permit term shall be five (5) years. The permit shall expire at the end of its term. Permit expiration terminates the permittee's right to operate unless a timely and complete renewal application is submitted.
- b. Applications for renewal shall be submitted at least twelve months, but not more than 18 months, prior to the expiration of the Operating Permit. An application for permit renewal may address only those portions of the permit that require revision, supplementing, or deletion, incorporating the remaining permit terms by reference from the previous permit. A copy of any materials incorporated by reference must be included with the application.

20. Portable Sources

Regulation No. 3, 5 CCR 1001-5, Part C, § II.D.

Portable Source permittees shall notify the Air Pollution Control Division at least 10 days in advance of each change in location.

21. Prompt Deviation Reporting

Regulation No. 3, 5 CCR 1001-5, Part C, § V.C.7.b.

The permittee shall promptly report any deviation from permit requirements, including those attributable to malfunction conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken.

“Prompt” is defined as follows:

- a. Any definition of “prompt” or a specific timeframe for reporting deviations provided in an underlying applicable requirement as identified in this permit; or
- b. Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations will be submitted based on the following schedule:
 - (i) For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report shall be made within 24 hours of the occurrence;
 - (ii) For emissions of any regulated air pollutant, excluding a hazardous air pollutant or a toxic air pollutant that continue for more than two hours in excess of permit requirements, the report shall be made within 48 hours; and
 - (iii) For all other deviations from permit requirements, the report shall be submitted every six (6) months, except as otherwise specified by the Division in the permit in accordance with paragraph 22.d. below.
- c. If any of the conditions in paragraphs b.i or b.ii above are met, the source shall notify the Division by telephone (303-692-3155) or facsimile (303-782-0278) based on the timetables listed above. *[Explanatory note: Notification by telephone or facsimile must specify that this notification is a deviation report for an Operating Permit.]* A written notice, certified consistent with General Condition 2.a. above (Certification Requirements), shall be submitted within 10 working days of the occurrence. All deviations reported under this section shall also be identified in the 6-month report required above.

“Prompt reporting” does not constitute an exception to the requirements of "Emergency Provisions" for the purpose of avoiding enforcement actions.

The source failed to report that a second 6-minute Method 9 was not performed on the Dowe Flats 8” Pump EGEN-DF-2 (John Deere, Model No. T0404045DF15084 HP 8" Pump Diesel) that was operated for more than 250 hours in 2019. (Not In Compliance)

22. Record Keeping and Reporting Requirements

Regulation No. 3, 5 CCR 1001-5, Part A, § II.; Part C, §§ V.C.6., V.C.7.

- a. Unless otherwise provided in the source specific conditions of this Operating Permit, the permittee shall maintain compliance monitoring records that include the following information:
 - (i) date, place as defined in the Operating Permit, and time of sampling or measurements;

- (ii) date(s) on which analyses were performed;
 - (iii) the company or entity that performed the analysis;
 - (iv) the analytical techniques or methods used;
 - (v) the results of such analysis; and
 - (vi) the operating conditions at the time of sampling or measurement.
- b. The permittee shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report or application. Support information, for this purpose, includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the Operating Permit. With prior approval of the Air Pollution Control Division, the permittee may maintain any of the above records in a computerized form.
- c. Permittees must retain records of all required monitoring data and support information for the most recent twelve (12) month period, as well as compliance certifications for the past five (5) years on-site at all times. A permittee shall make available for the Air Pollution Control Division's review all other records of required monitoring data and support information required to be retained by the permittee upon 48 hours advance notice by the Division.
- d. The permittee shall submit to the Air Pollution Control Division all reports of any required monitoring at least every six (6) months, unless an applicable requirement, the compliance assurance monitoring rule, or the Division requires submission on a more frequent basis. All instances of deviations from any permit requirements must be clearly identified in such reports.
- e. The permittee shall file an Air Pollutant Emissions Notice ("APEN") prior to constructing, modifying, or altering any facility, process, activity which constitutes a stationary source from which air pollutants are or are to be emitted, unless such source is exempt from the APEN filing requirements of Regulation No. 3, Part A, § II.D. A revised APEN shall be filed annually whenever a significant change in emissions, as defined in Regulation No. 3, Part A, § II.C.2., occurs; whenever there is a change in owner or operator of any facility, process, or activity; whenever new control equipment is installed; whenever a different type of control equipment replaces an existing type of control equipment; whenever a permit limitation must be modified; or before the APEN expires. An APEN is valid for a period of five years. The five-year period recommences when a revised APEN is received by the Air Pollution Control Division. Revised APENs shall be submitted no later than 30 days before the five-year term expires. Permittees submitting revised APENs to inform the Division of a change in actual emission rates must do so by April 30 of the following year. Where a permit revision is required, the revised APEN must be filed along with a request for permit revision. APENs for changes in control equipment must be submitted before the change occurs. Annual fees are based on the most recent APEN on file with the Division.

The source failed to report that a second 6-minute Method 9 was not performed on the Dowe Flats 8" Pump EGEN-DF-2 (John Deere, Model No. T0404045DF15084 HP 8" Pump Diesel) that was operated for more than 250 hours in 2019. (Not In Compliance)

23. Reopenings for Cause

Regulation No. 3, 5 CCR 1001-5, Part C, § XIII.

- a. The Air Pollution Control Division shall reopen, revise, and reissue Operating Permits; permit reopenings and reissuance shall be processed using the procedures set forth in Regulation No. 3, Part C, § III., except that proceedings to reopen and reissue permits affect only those parts of the permit for which cause to reopen exists.
- b. The Division shall reopen a permit whenever additional applicable requirements become applicable to a major source with a remaining permit term of three or more years, unless the effective date of the requirements is later than the date on which the permit expires, or unless a general permit is obtained to address the new requirements; whenever additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program; whenever the Division determines the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or whenever the Division determines that the permit must be revised or revoked to assure compliance with an applicable requirement.
- c. The Division shall provide 30 days' advance notice to the permittee of its intent to reopen the permit, except that a shorter notice may be provided in the case of an emergency.
- d. The permit shield shall extend to those parts of the permit that have been changed pursuant to the reopening and reissuance procedure.

24. Section 502(b)(10) Changes

Regulation No. 3, 5 CCR 1001-5, Part C, § XII.A.

The permittee shall provide a minimum 7-day advance notification to the Air Pollution Control Division and to the Environmental Protection Agency at the addresses listed in Appendix D of this Permit. The permittee shall attach a copy of each such notice given to its Operating Permit.

25. Severability Clause

Regulation No. 3, 5 CCR 1001-5, Part C, § V.C.10.

In the event of a challenge to any portion of the permit, all emissions limits, specific and general conditions, monitoring, record keeping and reporting requirements of the permit, except those being challenged, remain valid and enforceable.

26. Significant Permit Modifications

Regulation No. 3, 5 CCR 1001-5, Part C, § III.B.2.

The permittee shall not make a significant modification required to be reviewed under Regulation No. 3, Part B (“Construction Permit” requirements) without first receiving a construction permit. The permittee shall submit a complete Operating Permit application or application for an Operating Permit revision for any new or modified source within twelve months of commencing operation, to the address listed in Item 1 in Appendix D of this permit. If the permittee chooses to use the “Combined Construction/Operating Permit” application procedures of Regulation No. 3, Part C, then the Operating Permit must be received prior to commencing construction of the new or modified source.

27. Special Provisions Concerning the Acid Rain Program

Regulation No. 3, 5 CCR 1001-5, Part C, §§ V.C.1.b. & 8

- a. Where an applicable requirement of the federal act is more stringent than an applicable requirement of regulations promulgated under Title IV of the federal act, 40 Code of Federal Regulations (CFR) Part 72, both provisions shall be incorporated into the permit and shall be federally enforceable.
- b. Emissions exceeding any allowances that the source lawfully holds under Title IV of the federal act or the regulations promulgated thereunder, 40 CFR Part 72, are expressly prohibited.

28. Transfer or Assignment of Ownership

Regulation No. 3, 5 CCR 1001-5, Part C, § II.C.

No transfer or assignment of ownership of the Operating Permit source will be effective unless the prospective owner or operator applies to the Air Pollution Control Division on Division-supplied Administrative Permit Amendment forms, for reissuance of the existing Operating Permit. No administrative permit shall be complete until a written agreement containing a specific date for transfer of permit, responsibility, coverage, and liability between the permittee and the prospective owner or operator has been submitted to the Division.

29. Volatile Organic Compounds

Regulation No. 7, 5 CCR 1001-9, §§ III & V.

The requirements in paragraphs a, b and e apply to sources located in an ozone non-attainment area or the Denver 1-hour ozone attainment/maintenance area. The requirements in paragraphs c and d apply statewide.

- a. All storage tank gauging devices, anti-rotation devices, accesses, seals, hatches, roof drainage systems, support structures, and pressure relief valves shall be maintained and operated to prevent detectable vapor loss except when opened, actuated, or used for necessary and proper activities (e.g. maintenance). Such opening, actuation, or use shall be limited so as to minimize vapor loss.

Detectable vapor loss shall be determined visually, by touch, by presence of odor, or using

a portable hydrocarbon analyzer. When an analyzer is used, detectable vapor loss means a VOC concentration exceeding 10,000 ppm. Testing shall be conducted as in Regulation No. 7, Section VIII.C.3.

- b. Except when otherwise provided by Regulation No. 7, all volatile organic compounds, excluding petroleum liquids, transferred to any tank, container, or vehicle compartment with a capacity exceeding 212 liters (56 gallons), shall be transferred using submerged or bottom filling equipment. For top loading, the fill tube shall reach within six inches of the bottom of the tank compartment. For bottom-fill operations, the inlet shall be flush with the tank bottom.
- c. The permittee shall not dispose of volatile organic compounds by evaporation or spillage unless Reasonably Available Control Technology (RACT) is utilized.
- d. No owner or operator of a bulk gasoline terminal, bulk gasoline plant, or gasoline dispensing facility as defined in Colorado Regulation No. 7, Section VI, shall permit gasoline to be intentionally spilled, discarded in sewers, stored in open containers, or disposed of in any other manner that would result in evaporation.
- e. Beer production and associated beer container storage and transfer operations involving volatile organic compounds with a true vapor pressure of less than 1.5 PSIA actual conditions are exempt from the provisions of paragraph b, above.

30. **Wood Stoves and Wood burning Appliances**

Regulation No. 4, 5 CCR 1001-6

The permittee shall comply with the provisions of Regulation No. 4 concerning the advertisement, sale, installation, and use of wood stoves and wood burning appliances.

Based on statements made by the source, observations made at the time of the inspection, a review of source records and with no evidence to the contrary, the source is presumed to operate in compliance with the General Permit Conditions except as noted above. (Not In Compliance)

CONCLUSION

This compliance assessment is based on observations made during the inspection, information provided by the source, Division resources available and a review of Division records. Based on this information, CEMEX Construction Materials South, LLC is not in compliance with the following requirements:

- 1. Pursuant to Permit Number 95OPBO082 Section II Condition 5.12 the source is subject to the requirements in 40 CFR Part 63 Subpart LLL as set forth in Condition 22; specifically the dryer is subject to the organic HAP requirements in §63.1243(b) (Condition 22.4). The source reported excessive THC monitor downtime (8.579%; 134 hours down of 1562**

- operating hours) from the dryer CEMS. The source failed to demonstrate compliance with the o-HAP limits violating Permit Number 95OPBO082 Section II Condition 5.12.
2. Pursuant to Permit Number 95OPBO082 Section II Condition 10.11 the source is required to monitor compliance with the CO annual emission limit using the CO CEMS. The source reported excessive CO monitor downtime (8.769%; 99 hours down of 1129 operating hours) from the kiln CEMS. The source failed to monitor CO using the CO CEMS violating Permit Number 95OPBO082 Section II Condition 10.11.
 3. Pursuant to Permit Number 95OPBO082 Section II Condition 18.2 the source is required to continuously monitor operation emissions. The source reported excessive THC monitor downtime (8.579%; 134 hours down of 1562 operating hours) from the dryer CEMS and failed to demonstrate compliance with the VOC/THC emissions and did not demonstrate total organic HAP compliance. Additionally the source reported excessive CO monitor downtime (8.769%; 99 hours down of 1129 operating hours) from the kiln CEMS and failed to continuously operate the continuous monitoring system to monitor CO from the kiln. The source failed to continuously operate the continuous monitoring systems to monitor VOC/THC from the dryer and CO from the kiln violating Permit Number 95OPBO082 Section II Condition 18.2.
 4. Pursuant to Permit Number 95OPBO082 Section II Condition 22 the source is required to demonstrate compliance with the emissions standards limits (22.13), the source is required to operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions (22.15), the source is required to operate a THC CEMS (22.20), The source is required to determine emissions of total organic HAP with a THC CEMS (22.23), the source is required to maintain a THC CEMS (22.35), and the source is required to continuously monitor THC to show compliance with the total organic HAP emissions limits (22.36). The source reported excessive THC monitor downtime (8.579%; 134 hours down of 1562 operating hours) from the dryer CEMS and failed to demonstrate compliance with the VOC/THC emissions violating Permit Number 95OPBO082 Section II Conditions 22.13.5, 22.20, and 22.35.1. The source failed to demonstrate total organic HAP compliance violating Permit Number 95OPBO082 Section II Condition 22.23.9 and 22.36. The source reported visible emissions that lasted approximately 34 minutes from the kiln hood and clinker cooler areas on 10/22/2019 due to a kiln push involving the flushing of the uncooked raw material feed through the kiln and into the clinker cooler demonstrating that control equipment and monitoring equipment is not operated and maintained in a manner consistent with good air pollution control practices for minimizing emissions. The source failed to demonstrate that control equipment and monitoring equipment is operated and maintained in a manner consistent with good air pollution control practices for minimizing emissions violating Permit Number 95OPBO082 Section II Condition 22.15.
 5. Pursuant to Permit Number 95OPBO082 Section II Condition 26 hours of operation for each engine shall be monitored annually (calendar year) and recorded in a log to be made available to the Division upon request (26.3), and compliance with the opacity limitations shall be monitored by conducting opacity observations annually (calendar year period) on each engine and if an engine is operated more than 250 hours in any calendar year period, a second opacity observation shall be conducted (26.5.4.2). The source provided records that reported no operation in 2019 from Flood Response Engine EGEN-LYO-3 (99 HP Flood

Response Cummins Model No. 4BTAA3.3G7 Diesel) but also reported a method 9 was performed on the unit. When asked about the discrepancy the source stated the engine operated 0.5 hours in December 2019 in order to conduct the Method 9 to fulfill calendar year Method 9 requirements. It should be noted that an opacity observation is not required if the engine did not operate in the calendar year. The source failed to accurately monitor &/or report hours of operation for each engine violating condition 26.3. It was noted while reviewing the records provided by the source that a second 6-minute Method 9 was not performed on the Dowe Flats 8” Pump EGEN-DF-2 (John Deere, Model No. T0404045DF15084 HP 8" Pump Diesel) that was operated for more than 250 hours in 2019. The source failed to conduct a second opacity observation on an engine that operated more than 250 hours in any calendar year period violating condition 26.5.4.2. The source failed to accurately monitor &/or report hours of operation for each engine violating Permit Number 95OPBO082 Section II Condition 26.3 and the source failed to conduct a second opacity observation on an engine that operated more than 250 hours in any calendar year period violating Permit Number 95OPBO082 Section II Condition 26.5.4.2.

6. Pursuant to Permit Number 95OPBO082 Section IV Conditions 21 & 22 the source shall promptly report any deviation from permit requirements & the source shall submit all reports of any required monitoring. The source failed to report that a second 6-minute Method 9 was not performed on the Dowe Flats 8” Pump EGEN-DF-2 (John Deere, Model No. T0404045DF15084 HP 8" Pump Diesel) that was operated for more than 250 hours in 2019 violating Permit Number 95OPBO082 Section IV Condition 21 & 22.

Recommendation: Enforcement is recommended to address the above alleged violations.



COLORADO

Department of Public Health & Environment

AIR POLLUTION CONTROL DIVISION

COMPLIANCE ORDER ON CONSENT

CASE NO. 2019-021
AIRS NO. 013-0003

IN THE MATTER OF CEMEX CONSTRUCTION MATERIALS SOUTH, LLC

The Colorado Department of Public Health and Environment (“CDPHE”), through the Air Pollution Control Division (“Division”), issues this Compliance Order on Consent (“Consent Order”), pursuant to the Division’s authority under § 25-7-115(3)(b), C.R.S. of the Colorado Air Pollution and Prevention and Control Act, §§ 25-7-101 to 1309, C.R.S. (“the Act”), and its implementing regulations, 5 C.C.R. § 1001, *et seq* (“the Regulations”) with the express consent of CEMEX Construction Materials South, LLC (“CEMEX”). The Division and CEMEX may be referred to collectively as “the Parties.”

I. STATEMENT OF PURPOSE

The mutual objectives of the Parties in entering into this Consent Order are:

1. To establish compliance requirements and criteria for the continued operation of the Lyons Plant, a portland cement manufacturing facility located at 5134 Ute Highway, Longmont, Boulder County, Colorado (“Facility”); and
2. To resolve the violations of the Act cited herein and in a Compliance Advisory issued to CEMEX by the Division on March 1, 2019.

II. DIVISION’S FINDINGS OF FACT AND DETERMINATION OF VIOLATIONS

Based upon the Division’s investigation into and review of the compliance issues identified herein, and in accordance with § 25-7-115(3), C.R.S., the Division has made the following determinations regarding violations of regulatory, statutory, and/or permit requirements associated with the Facility.

3. At all times relevant to the violations cited herein, CEMEX was an LLC in good standing and registered to conduct business in the State of Colorado.

4. CEMEX owns and operates the Facility.

5. The Facility is subject to the terms and conditions of the Colorado Operating Permit Number 95OPBO082, first issued to CEMEX on February 1, 2000, renewed March 1, 2017 and last revised November 17, 2017 (“Permit Number 95OPBO082”); 40 CFR Part 60– Standards of Performance for New Stationary Sources, Subpart IIII–Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (“Subpart IIII”); 40 CFR Part 63–National Emission Standards for Hazardous Air Pollutants for Source Categories (Continued), Subpart LLL–National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry (“Subpart LLL”); Colorado Air Quality Control Statutes, and Colorado Air Quality Control Commission (“AQCC”) Regulations.

6. The following Facility equipment is relevant to this enforcement action:

Process (Permit Section)	AIRS Point	Description
Raw Material Grinding (Section II.8)	005	S012 - Raw Mill Feeders S013 - Iron/Silica Silo S010 - Raw Material Grinder S011 - Raw Mill Auxiliary Dust Collector
Kiln Burning (Section II.10)	007	S016 Precalciner Kiln
Sheltered (A-Frame) Clinker Storage and Reclaim (Section II.11)	010	S034 - #6 Reclaim Feeder and A-Frame Building S051 - Top of A Frame - Transfer from 529-29 belt to 529-30 belt
Cement Finish Mill and Auxiliaries (Section II.11)	011	S036 - Finish Mill S037 - Finish Mill Auxiliary Dust Collector Grinding and Limestone Handling
	012	S065 - Finish Mill Separator S069 - Clinker Dust to Finish Mill (SEP project) - vents inside mill room
Outdoor Clinker Piles and Handling (Section II.11)	015	Outdoor Hot Clinker Pile
Stationary Internal Combustion Engines (Section II.27)	053	A-Pit Pump: John Deere, Model No. 4.5L, diesel fuel-fired engine driving a water pump. This engine is rated at 90 hp and 4.7 gal/hr
	APEN exempt	Dowe Flats 6” Pump: John Deere, Model No. T0404045DF150, S/N unknown, diesel fuel-fired engine driving a water pump. This engine is rated at 80 hp and 0.6 MMBtu/hr (4.2 gal/hr).
	APEN exempt	Dowe Flats 8” Pump: John Deere, Model No. T0404045DF150, S/N T04045T532755, diesel fuel-fired engine driving a water pump. This engine is rated at 84 hp and 0.6 MMBtu/hr (4.4 gal/hr).

	APEN exempt	Kiln Donkey Engine: Natural gas-fired engine used to provide kiln rotation during power failure. No make, model or serial no. available for this engine. This engine is rated at ~ 230 hp.
	APEN exempt	Flood Response Engine: Cummins Model No. 4BTAA3.3G7, S/N 75021552, diesel fuel-fired engine providing emergency power to flood response pumps. This engine is rated at 99 hp (73.8 kw) and 4.2 gal/hr.
Kiln Control Device Support Equipment (Section II.26)	054	BCSA Inc, Silotop R03, Lime Weigh Hopper, S/N unknown
	055	BCSA Inc, Silotop R03, Lime Storage Silo, S/N unknown.

7. On September 11, 2018, Dave Huber, of the Division, conducted an inspection, pursuant to the Division's authority under § 25-7-111(2)(c), C.R.S., at the Facility for the purpose of determining compliance with Permit Number 95OPBO082, the Act and the Regulations. Based on Mr. Huber's inspection, and a review of records related to the Facility, the Division issued a Compliance Advisory to CEMEX on March 1, 2019.

8. On April 24, 2019, the Division and CEMEX met to discuss the issues identified in the Compliance Advisory. On May 3 and 17, 2019, CEMEX submitted additional information to the Division relating to the issues identified in the Compliance Advisory.

9. Based upon a review of information including Mr. Huber's inspection, records related to the Facility, and the information provided by CEMEX, the Division has determined the following:

- A. Pursuant to Permit Number 95OPBO082, Section II, Condition 10.9.1 and AQCC Regulation Number 1, § II.A.1, no owner or operator of a source shall allow or cause the emission into the atmosphere of any air pollutant which is in excess of 20% opacity. On September 13, 2017, the opacity monitor for the kiln stack (AIRS Point 007) registered a six-minute average opacity of 23% following maintenance of a bag at Compartment No. 73. Upon inspection, CEMEX discovered that the bag maintenance dislodged a compartment port, allowing dust to bypass the bags. CEMEX immediately took Compartment No. 73 offline and properly secured the port, resolving the excess opacity. CEMEX allowed the emission into the atmosphere of air pollutants in excess of 20% opacity at AIRS Point 007 on September 13, 2017, violating Permit Number 95OPBO082, Section II, Condition 10.9.1 and AQCC Regulation Number 1, § II.A.1.

CEMEX verbally reported the opacity event to the Division on September 14, 2017 and included it as a permit deviation in its Semi-Annual Report, Second Half 2017, as required. The opacity event did not qualify as a valid malfunction because the opacity exceedance was caused by an operator improperly securing the port. CEMEX reported that it reviewed proper baghouse operations and work checks with Maintenance, Production and Environmental Departments.

- B. Pursuant to Permit Number 95OPBO082, Section II, Condition 10.22.1.3 and AQCC Regulation Number 3, Part F, § VI.A.2, the kiln opacity shall not exceed 20%. On September 13, 2017, the opacity monitor for the kiln stack (AIRS Point 007) registered a six-minute average opacity of 23% following maintenance of a bag at Compartment No. 73. Upon inspection, CEMEX discovered that the bag maintenance dislodged a compartment port, allowing dust to bypass the bags. CEMEX immediately took Compartment No. 73 offline and properly secured the port, resolving the excess opacity. CEMEX allowed the emission into the atmosphere of particulate in excess of 20% opacity at AIRS Point 007 on September 13, 2017, violating Permit Number 95OPBO082, Section II, Condition 10.22.1.3 and AQCC Regulation Number 3, Part F, § VI.A.2.

CEMEX verbally reported the opacity event to the Division on September 14, 2017 and included it as a permit deviation in its Semi-Annual Report, Second Half 2017, as required. The opacity event did not qualify as a valid malfunction because the opacity exceedance was caused by an operator improperly securing the port. CEMEX reported that it reviewed proper baghouse operations and work checks with Maintenance, Production and Environmental Departments.

- C. Pursuant to Permit Number 95OPBO082, Section II, Condition 11.4.1 and Condition 20.3, the baghouses shall be operated and maintained in accordance with the requirements in Condition 19. Pursuant to Permit Number 95OPBO082, Section II, Condition 19, routine maintenance of and operational procedures performed on the baghouses shall be conducted in accordance with manufacturer's specifications and/or good engineering practices. During the September 11, 2018 inspection, Mr. Huber observed that the door at the top of the A-Frame Building (AIRS Point 010) was open, and the photohelic gauge for the baghouse controlling the area (BH 525-17) showed a differential pressure out of the acceptable range. CEMEX failed to operate and maintain the baghouse at AIRS Point 010 in accordance with manufacturer's specifications and/or good

engineering practices, violating Permit Number 95OPB0082, Section II, Condition 11.4.1, 19 and 20.3.

CEMEX repaired and sealed the door, operated the rotary motor of the baghouse hopper and re-established proper operation immediately after the issue was discovered. CEMEX has now placed signage on the door and ensures the door jambs are cleaned appropriately. CEMEX reported the event in its Semi-Annual Report, Second Half 2018, as required.

- D. Pursuant to Permit Number 95OPB0082, Section II, Conditions 11.6.1.2 and 14.4.1.2(a), during the day shift, the permittee shall operate the plant based water truck on a full-time basis, 12 hours a day, 7 days a week. CEMEX did not operate the plant based water truck January 7, 2018 from 11:23 a.m. to 6:00 p.m. and January 8, 2018 from 6:40 a.m. to 6:00 p.m. On these dates, the kiln was in shutdown but the crusher/dryer system was in operation. CEMEX failed to operate the plant based water truck for AIRS Point 015 during the day shift on a full-time basis on January 7 and 8, 2018, violating Permit Number 95OPB0082, Section II, Conditions 11.6.1.2 and 14.4.1.2(a).

CEMEX reported the event in its Semi-Annual Report, First Half 2018, as required. CEMEX reported providing refresher training on permit requirements for plant based water truck operators.

- E. Pursuant to Permit Number 95OPB0082, Section II, Condition 11.6.1.10, the permittee shall operate a powered sweeper during the day shift for 12 hours a day, 7 days a week to control accumulations on paved areas. CEMEX did not operate the powered sweeper March 15, 2017 from 8:00 a.m. to 10:00 a.m. due to an unexpected shift change. CEMEX failed to operate the powered sweeper for AIRS Point 015 for 2 hours during the day shift on March 15, 2017, violating Permit Number 95OPB0082, Section II, Condition 11.6.1.10.

CEMEX reported the event in its Semi-Annual Report, First Half 2017, as required. CEMEX reported providing refresher training on permit requirements for sweeper operators.

- F. Pursuant to Permit Number 95OPB0082, Section II, Condition 22.9.3 and Subpart LLL § 63.1346(g)(3), all dry sorbent and activated carbon systems that control hazardous air pollutants must be turned on and operating at the time the gas stream at the inlet to the baghouse or ESP reaches 300 degrees Fahrenheit (five minute average) during startup. The precalciner kiln (AIRS Point 007) at the Facility is

controlled by baghouses with activated carbon and lime injection systems. On July 21, 2017, CEMEX did not start injecting the carbon and lime at AIRS Point 007 until the baghouse inlet temperature reached approximately 350 degrees Fahrenheit. CEMEX failed to ensure that all dry sorbent and activated carbon systems were turned on and operating at the time the gas stream at the inlet to the baghouse controlling AIRS Point 007 reached 300 degrees Fahrenheit on July 21, 2017, violating Permit Number 95OPBO082, Section II, Condition 22.9.3 and Subpart LLL § 63.1346(g)(3).

CEMEX reported the event in its Semi-Annual Report, Second Half 2017, as required. CEMEX reported establishing an automated environmental interlock to prevent baghouse temperatures from exceeding 290°F until the carbon and lime injection systems activate.

- G. Pursuant to Permit Number 95OPBO082, Section II, Condition 22.33.2.1 and Subpart LLL § 63.1350(f)(2)(i), for a raw mill or finish mill, CEMEX must monitor opacity by conducting daily visible emissions observations of the mill sweep and air separator PM control devices (PMCD) of these affected sources in accordance with the procedures of Method 22. CEMEX failed to perform Method 22 readings on the AIRS Point 005 raw mill dust collectors and the AIRS Points 011 and 012 finish mill dust collectors as detailed in the table below, violating Permit Number 95OPBO082, Section II, Condition 22.33.2.1 and Subpart LLL § 63.1350(f)(2)(i).

AIRS Point	Dust Collector Unit Description	Dates Missed
005	Raw Mill 325-1 (Stack #S010)	11/21/2017; 11/22/2017
	Raw Mill Auxiliary 325-2 (Stack# S011)	11/21/2017; 11/22/2017
011	Finish Mill 725-2 (Stack# S036)	11/22/2017; 11/24/2017; 1/23/2018
	Finish Mill Auxiliary 725-3 (Stack# S037)	11/22/2017; 11/24/2017; 1/23/2018
012	Finish Mill Separator 725-10 & 725-11 (Stack # S065)	11/22/2017; 11/24/2017

CEMEX reported these events in its Semi-Annual Reports for Second Half 2017 and First Half 2018, as required. CEMEX reported providing training to plant personnel, and reported that the Environmental Department maintains records of the revised Method 22 Observation Forms that instruct personnel to perform readings during second shift.

- H. Pursuant to Permit Number 95OPBO082, Section II, Condition 25, for the kiln control device support equipment (the lime storage silo

(“AIRS Point 055”) and the lime weigh hopper (“AIRS Point 054”)), CEMEX is subject to certain requirements including those listed below.

- i. Pursuant to Permit Number 95OPB0082, Section II, Condition 25.1, particulate Matter (PM, PM10 and PM2.5) emissions from AIRS Point 055 and AIRS Point 054 shall not exceed the permitted limitations. Monthly emissions for each unit shall be calculated by the end of the subsequent month, and compliance with the monthly limits shall be monitored by comparing the monthly emissions from each unit with the monthly limitations. CEMEX did not provide any emissions information at the time of the inspection for AIRS Points 054 and 055, as requested by the Division to determine compliance. CEMEX failed to demonstrate compliance with the particulate matter emission limits and monitoring requirements for AIRS Points 054 and 055, violating Permit Number 95OPB0082, Section II, Condition 25.1.

CEMEX provided the requested emissions information to the Division on May 3, 2019, demonstrating compliance with the permit requirements.

- ii. Pursuant to Permit Number 95OPB0082, Section II, Condition 25.2, the quantity of lime processed through AIRS Point 055 and AIRS Point 054 shall not exceed the permitted limitations. The quantity of lime handled through the lime silo and the lime weigh hopper shall be monitored and recorded monthly and used in the emission calculations in Condition 25.1. CEMEX did not provide any processing information at the time of the inspection related to AIRS Point 054 or 055, as requested by the Division to determine compliance. CEMEX failed to demonstrate compliance with the processing limits and the monitoring and recordkeeping requirements for AIRS Points 054 and 055, violating Permit Number 95OPB0082, Section II, Condition 25.2.

CEMEX provided the requested processing information to the Division on May 3, 2019, demonstrating compliance with the permit requirements.

- iii. Pursuant to Permit Number 95OPB0082, Section II, Condition 25.4, hours of operation shall be monitored and recorded monthly. CEMEX did not provide records at the time of the inspection of the hours of operation for AIRS Point 054 or 055, as requested by the Division to determine compliance. CEMEX failed to demonstrate compliance with the hours of operation

monitoring and recordkeeping requirements for AIRS Points 054 and 055, violating Permit Number 95OPBO082, Section II, Condition 25.4.

CEMEX provided operating hours records for AIRS Points 054 and 055 to the Division on March 22, 2019, demonstrating compliance with the permit requirements.

- iv. Pursuant to Permit Number 95OPBO082, Section II, Condition 25.5, the baghouses at AIRS Point 055 and AIRS Point 054 shall be operated and maintained in accordance with manufacturer's recommendations and good engineering practices. A copy of the operating and maintenance procedures, schedules for maintenance and/or inspection activities and records related to the operation and maintenance of the baghouses and good engineering practices, such as records of routine maintenance and/or inspections shall be maintained and made available to the Division upon request. CEMEX did not provide any operating and maintenance information at the time of the inspection related to the baghouses at AIRS Point 054 or 055, as requested by the Division to determine compliance. CEMEX failed to provide records demonstrating compliance with the operating and maintenance requirements for AIRS Points 054 and 055, violating Permit Number 95OPBO082, Section II, Condition 25.5.

CEMEX provided operating and maintenance information for AIRS Point 054 and 055 to the Division on May 17, 2019, demonstrating compliance with the permit requirements.

- I. Pursuant to Permit Number 95OPBO082, Section II, Condition 26, for the Stationary Internal Combustion Engines ("Engines"), CEMEX is subject to certain requirements including those listed below.
 - i. Pursuant to Permit Number 95OPBO082, Section II, Condition 26.3, hours of operation for each engine shall be monitored annually (calendar year) and recorded in a log to be made available to the Division upon request. If annual hours of operation exceed 806 hours for the 6 inch pump, 768 hours for the 8 inch pump, 1,261 hours for the kiln engine or 2,615 hours for the flood response engine, an APEN is required for that engine and an APEN shall be filed. CEMEX failed to provide a log of hours of operation as requested by the Division at the time of the inspection to determine compliance, and failed to demonstrate that annual hours of operation were below the

APEN reporting threshold, violating Permit Number 95OPBO082, Section II, Condition 26.3.

CEMEX provided information including hours of operation for the engines to the Division on May 3, 2019, and submitted an APEN for the Dowe Flats 6” Pump Engine to the Division on May 30, 2019.

- ii. Pursuant to Permit Number 95OPBO082, Section II, Condition 26.5.3, for the kiln donkey engine, the permittee shall maintain records that verify that only natural gas is used as fuel in this engine. Pursuant to Permit Number 95OPBO082, Section II, Condition 26.5.4.1, for the pump engines and flood response engine, a record shall be kept of the date and time the engine started and when it was shutdown. Pursuant to Permit Number 95OPBO082, Section II, Condition 26.5.4.2, an opacity observation shall be conducted annually (calendar year period) on each engine to monitor compliance with the opacity limit in Condition 26.5.1. If an engine is operated more than 250 hours in any calendar year period, a second opacity observation shall be conducted. CEMEX did not provide records verifying that only natural gas is used as fuel for the kiln donkey engine, and did not provide records of startup, shutdown, and annual operating hours for the pump engines and flood response engine as requested by the Division at the time of the inspection to determine compliance. CEMEX failed to demonstrate compliance with recordkeeping and operating requirements for the Engines, violating Permit Number 95OPBO082, Section II, Conditions 26.5.3 and 26.5.4.

On March 22, 2019, CEMEX provided records verifying that only natural gas is used as fuel for the kiln donkey engine, and provided records of monthly operating hours for the pump engine and flood response engine.

- iii. Pursuant to Permit Number 95OPBO082, Section II, Condition 26.6, the flood response engine is subject to Subpart III, including but not limited to emission standards; requirements related to fuel, monitoring, operating and maintenance, and reporting and recordkeeping; and other requirements listed in this condition. CEMEX did not provide any records for the flood response engine at the time of the inspection, as requested by the Division to determine compliance, and reported that there are no existing 2017 maintenance records for the flood response engine. CEMEX failed to demonstrate compliance with

Subpart IIII requirements for the flood response engine, violating Permit Number 95OPBO082, Section II, Condition 26.6 and Subpart IIII.

CEMEX reported the lack of maintenance records in its Semi-Annual Report, Second Half 2017, as required. CEMEX reported scheduling proper maintenance and establishing a reporting protocol.

10. The Division and CEMEX entered into settlement discussions for the violations as determined by the Division. The Parties reached a settlement that is detailed in this Consent Order.

III. ORDER and AGREEMENT

Based on the foregoing factual and legal determinations, pursuant to its authority under § 25-7-115, C.R.S., and as a result of the violations cited herein, the Division orders CEMEX to comply with all provisions of this Consent Order, including all requirements set forth below.

11. CEMEX agrees to the terms and conditions of this Consent Order. CEMEX agrees that this Consent Order constitutes an order issued pursuant to § 25-7-115, C.R.S., and is an enforceable requirement of Part 1 of the Act. CEMEX also agrees not to challenge directly or collaterally, in any judicial or administrative proceeding brought by the Division to enforce this Consent Order or by CEMEX against the Division:

- a. the issuance of this Consent Order;
- b. the factual and legal determinations made by the Division herein; and
- c. the Division's authority to bring, or the court's jurisdiction to hear, any action to enforce the terms of this Consent Order under the Act.

12. Notwithstanding the above, CEMEX does not admit to any of the factual or legal determinations made by the Division herein, and any action undertaken by CEMEX pursuant to this Consent Order shall not constitute an admission of liability by CEMEX with respect to the condition of the Facility.

Compliance Requirements

13. Effective immediately, and without limitation, CEMEX shall comply with Permit Number 95OPBO082, the Act and the Regulations in the regulation and control

of air pollutants.

14. Within 30 days of the effective date of this Consent Order, CEMEX shall provide to the Division records, for the previous five years, of the date and time of startup and shutdown for the pump engines and flood response engine. If CEMEX is not currently maintaining such records, CEMEX shall immediately start keeping records of the date and time of startup and shutdown for the pump engines and flood response engine, and shall maintain the records for a period of five years. CEMEX shall provide the records to the Division upon request.

15. Within 30 days of the effective date of this Consent Order, CEMEX shall provide to the Division records, for the previous five years, of the annual opacity tests required by Permit Number 95OPBO082, Section II, Condition 26.5.4.2. If CEMEX has not conducted the opacity tests, CEMEX shall conduct the required opacity tests within 30 days of the effective date of this Consent Order.

16. Within 30 days of the effective date of this Consent Order, CEMEX shall provide to the Division records for the flood response engine as required by Permit Number 95OPBO082, Section II, Condition 26.6 to determine compliance with Subpart IIII. If CEMEX is not currently maintaining such records, CEMEX shall immediately start keeping the records necessary to determine compliance with Subpart IIII, and shall maintain the records for a period of five years. CEMEX shall provide the records to the Division upon request.

17. All documents submitted under this Consent Order shall use the same titles as stated in this Consent Order, and shall reference both the case number and the number of the paragraph pursuant to which the document is required. Unless otherwise specifically provided herein, no document submitted for Division approval under this Consent Order may be implemented unless and until written approval is received from the Division. Any approval by the Division of a document submitted under this Consent Order is effective upon receipt by CEMEX. All approved documents, including all procedures and schedules contained in the documents, are hereby incorporated into this Consent Order, and shall constitute enforceable requirements under the Act.

Administrative Penalty Requirements

18. Based upon the factors set forth in § 25-7-122, C.R.S., the Division has determined an administrative penalty in the amount of **Thirty-Five Thousand Dollars (\$35,000.00)** against CEMEX is appropriate and consistent with the Division's policies for violations of the Act and the Regulations cited in Section II of this Consent Order. CEMEX agrees to pay the sum of **\$35,000.00** in administrative penalties. Payment is due within thirty (30) calendar days of the effective date of this Consent Order by certified, corporate or cashier's check drawn to the order of "Colorado Department of Public Health and Environment" and delivered to the attention of the Enforcement

Unit Supervisor, Air Pollution Control Division, 4300 Cherry Creek Drive South, APCD-SS-B1, Denver, Colorado 80246-1530.

IV. SCOPE AND EFFECT OF CONSENT ORDER

19. The Parties agree and acknowledge that this Consent Order constitutes a full and final settlement of the violations cited herein. This Consent Order is final agency action. CEMEX agrees not to challenge the terms and conditions of this Consent Order in any proceeding before any administrative body or any judicial forum, whether by way of direct judicial review or collateral challenge.

20. This Consent Order shall be enforceable by either party in the same manner as if the Division had entered this Consent Order without agreement by CEMEX. The Parties agree that any violation of the provisions of this Consent Order by CEMEX concerning the Act, or the Regulations, shall be a violation of a final order of the Division for the purposes of §§ 25-7-115, 121, and 122, C.R.S., and may result in the assessment of civil penalties of up to Fifteen Thousand Dollars (\$15,000.00) per day for each day of such violation.

21. The Parties' obligations under this Consent Order are limited to the matters expressly stated herein or in approved submissions required hereunder. All submissions made pursuant to this Consent Order are incorporated into this Consent Order and become enforceable under the terms of this Consent Order as of the date of approval by the Division.

22. The Division's approval of any submission, standard, or action under this Consent Order shall not constitute a defense to, or an excuse for, any prior violation of any requirement under the Act, the Regulations, or any subsequent violation of any requirement of this Consent Order, the Act, or the Regulations.

23. Entering into this settlement shall not constitute an admission of violation of the air quality laws by CEMEX, nor shall the Division or any third party infer it to be such an admission by CEMEX in any administrative or judicial proceeding. Notwithstanding the foregoing or anything in this Consent Order to the contrary, the described violation will constitute part of CEMEX's compliance history for any purpose for which such history is relevant, including considering the violation described above in assessing a penalty for any subsequent violations, in accordance with the provisions of § 25-7-122, C.R.S., against CEMEX.

24. CEMEX shall comply with all applicable Federal, State, and/or local laws and regulations and shall obtain all necessary approvals or permits to conduct the investigation and remedial activities required by this Consent Order and perform its obligations required hereunder. The Division makes no representation with respect to approval and permits required by Federal, State, or local laws or regulations other than those specifically referred to herein.

25. Nothing herein shall be construed as prohibiting, altering, or in any way limiting the ability of the Division to seek any other remedies or sanctions available by virtue of CEMEX's violation of this Consent Order or of the statutes and regulations upon which this Consent Order is based, or for CEMEX's violation of any applicable provision of law.

V. LIMITATION RELEASES AND RESERVATION OF RIGHTS AND LIABILITY

26. Upon the effective date of this Consent Order, and during its term, this Consent Order shall stand in lieu of any other enforcement action by the Division with respect to the violations cited herein. This Consent Order does not grant any release of liability for any violations, regardless of when they occurred, that are not cited in this Consent Order. The Division reserves the right to bring any action it deems necessary to enforce this Consent Order, including actions for penalties and/or injunctive relief.

27. Nothing in this Consent Order shall preclude the Division from imposing additional requirements necessary to protect human health or the environment and to effectuate the purposes of this Consent Order. Nor shall anything in this Consent Order preclude the Division from imposing additional requirements in the event that additional information is discovered that indicates such requirements are necessary to protect human health or the environment.

28. CEMEX reserves its rights and defenses regarding liability in any proceedings regarding the Facility other than proceedings to enforce this Consent Order.

29. Upon the effective date of this Consent Order, CEMEX releases and covenants not to sue the State of Colorado as to all common law or statutory claims or counterclaims arising from, or relating to, the violations of the Act or the Regulations specifically addressed herein.

30. CEMEX shall not seek to hold the State of Colorado or its employees, agents or representatives liable for any injuries or damages to persons or property resulting from acts or omissions of CEMEX, or those acting for or on behalf of CEMEX, including its officers, employees, agents, successors, representatives, contractors or consultants in carrying out activities pursuant to this Consent Order. CEMEX shall not hold out the State of Colorado or its employees, agents or representatives as a party to any contract entered into by CEMEX in carrying out activities pursuant to this Consent Order. Nothing in this Consent Order shall constitute an express or implied waiver of immunity otherwise applicable to the State of Colorado, its employees, agents, or representatives.

31. The Division reserves the right to bring any action or to seek civil or

administrative penalties for any past, present, or future violations of the Act and the Regulations, not specifically addressed herein. Further, the Division has the right to bring any action to enforce this Consent Order and to seek authorized penalties for any violation of this Consent Order.

VI. FORCE MAJEURE

32. CEMEX shall perform the requirements of this Consent Order within the schedules and time limits set forth herein and in any approved plan unless the performance is prevented or delayed by events that constitute a force majeure. A force majeure is defined as any event arising from causes which are not reasonably foreseeable, which are beyond the control of CEMEX, and which cannot be overcome by due diligence.

33. Unless otherwise provided in the Act or the Regulations, within seventy-two (72) hours of the time that CEMEX knows or has reason to know of the occurrence of any event which CEMEX has reason to believe may prevent CEMEX from timely compliance with any requirement under this Consent Order, CEMEX shall provide verbal notification to the Division. Within seven (7) calendar days of the time that CEMEX knows or has reason to know of the occurrence of such event, CEMEX shall submit to the Division a written description of the event causing the delay, the reasons for and the expected duration of the delay, and actions which will be taken to mitigate the duration of the delay.

34. The burden of proving that any delay was caused by a force majeure shall at all times rest with CEMEX. If the Division agrees that a force majeure has occurred, the Division will so notify CEMEX. The Division will also approve or disapprove of CEMEX's proposed actions for mitigating the delay. If the Division does not agree that a force majeure has occurred, or if the Division disapproves of CEMEX's proposed actions for mitigating the delay, it shall provide a written explanation of its determination to CEMEX.

35. Delay in the achievement of one requirement shall not necessarily justify or excuse delay in the achievement of subsequent requirements. In the event any performance under this Consent Order is found to have been delayed by a force majeure, CEMEX shall perform the requirements of this Consent Order that were delayed by the force majeure with all due diligence.

VII. DISPUTE RESOLUTION

36. If the Division determines that additional requirements are necessary, that a violation of this Consent Order has occurred, that a force majeure has not occurred, or that the actions taken by CEMEX to mitigate the delay caused by a force majeure are inadequate, the Division shall provide a written explanation of its determination to CEMEX. Within fifteen (15) calendar days of receipt of the Division's

determination, CEMEX shall:

- a. Submit a notice of acceptance of the determination; or
- b. Submit a notice of dispute of the determination.

If CEMEX fails to submit either of the above notices within the specified time, it will be deemed to have accepted the Division's determination.

37. If CEMEX files any notice of dispute, the notice shall specify the particular matters in the Division's determination that CEMEX seeks to dispute, and the basis for the dispute. Matters not identified in the notice of dispute shall be deemed accepted by CEMEX. The Division and CEMEX shall have thirty (30) calendar days from the receipt by the Division of the notification of dispute to reach an agreement. If agreement cannot be reached on all issues within this thirty (30) day period, the Division shall confirm or modify its decision within an additional fourteen (14) days, and the confirmed or modified decision shall be deemed effective and subject to appeal in accordance with the Act and the Colorado Administrative Procedure Act, Article 4, Title 24, Colorado Revised Statutes.

VIII. NOTICES

38. Unless otherwise specified, any report, notice or other communication required under the Consent Order shall be sent to:

For the Division: Enforcement Unit Supervisor
Colorado Department of Public Health and Environment
APCD-SS-B1-1400
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

For CEMEX: Scott Harcus
CEMEX Construction Materials South, LLC
PO Box 529
Lyons, CO 80540

IX. OBLIGATIONS UNAFFECTED BY BANKRUPTCY

39. The obligations set forth herein are based on the Division's police and regulatory authority. These obligations require specific performance by CEMEX of corrective actions carefully designed to prevent on-going or future harm to public health or the environment, or both. Enforcement of these obligations is not stayed by a petition in bankruptcy. CEMEX agrees that the penalties set forth in this Consent Order are not in compensation of actual pecuniary loss. Further, the obligations imposed by this Consent Order are necessary for CEMEX and the Facility to achieve

and maintain compliance with State law.

X. MODIFICATIONS

40. This Consent Order may be modified only upon mutual written agreement of the Parties.

XI. BINDING EFFECT, AUTHORIZATION TO SIGN AND EFFECTIVE DATE

41. This Consent Order is binding upon the Parties to this Consent Order and their corporate subsidiaries or parents, their officers, directors, agents, attorneys, employees, contractors, successors in interest, affiliates and assigns. The undersigned warrant that they are authorized to bind legally their respective principals to this Consent Order, and that the Parties have the authority to enter into this Consent Order. This Consent Order shall be effective upon the date signed by the last party. In the event that a party does not sign this Consent Order within thirty (30) calendar days of the other party's signature, this Consent Order becomes null and void. This Consent Order may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Consent Order.

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

By:  Date: 9/3/19
Shannon McMillan
Compliance and Enforcement Program Manager
Air Pollution Control Division

CEMEX CONSTRUCTION MATERIALS SOUTH, LLC

By:  Date: 08/29/2015
NAME: Dave Huber
TITLE: Plant Manager

- cc: Shannon McMillan, APCD Dave Huber, APCD
Paul Carr, APCD Beth Pilson, APCD
Tom Roan, Office of Attorney General Heather Wuollet, APCD
Michael Stovern, US EPA Tom Lovell, APCD
File



November 23, 2021

SENT VIA CERTIFIED MAIL NO. 7017 0660 0000 0139 2321
 Return Receipt Requested

Scott Marcus
 CEMEX Construction Materials South, LLC
 P.O. Box 529
 Lyons, CO 80540

Re: Proposed Early Settlement Agreement in the Matter of CEMEX Construction Materials South, LLC
 AIRS No.: 013-0003
 Case No.: 2021-077

Dear Scott Marcus:

CEMEX Construction Materials South, LLC (“CEMEX”) owns and operates the Lyons Plant, a portland cement manufacturing facility located at 5134 Ute Highway, Longmont, Boulder County, Colorado (“Facility”). The Facility is subject to the terms and conditions of the following:

- Colorado Operating Permit Number 95OPBO082, first issued to CEMEX on February 1, 2000 and last renewed on November 17, 2017 (“Permit Number 95OPBO082”);
- 40 CFR Part 63–National Emission Standards for Hazardous Air Pollutants For Source Categories, Subpart LLL–National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry (“Subpart LLL”);
- Colorado Air Quality Control Statutes; and
- Colorado Air Quality Control Commission (“AQCC”) Regulations.

The following Facility equipment is relevant to this enforcement action:

AIRS Point/Facility ID	Description
002/P002	S005 - Raw Materials Dryer
007/P007	S016 - Preheater Kiln
008/P008	Clinker cooling and transfer to storage for finish mill.
APEN Exempt/ Dowe Flats 6” Pump	John Deere, Model No. T0404045DF150, S/N unknown, diesel fuel-fired engine driving a water pump. This engine is rated at 80 hp and 0.6 MMBtu/hr (4.2 gal/hr).



APEN Exempt/ Dowe Flats 8" Pump	John Deere, Model No. T0404045DF150, S/N T04045T532755, diesel fuel-fired engine driving a water pump. This engine is rated at 84 hp and 0.6 MMBtu/hr (4.4 gal/hr).
APEN Exempt/ Flood Response Engine	Cummins Model No. 4BTAA3.3G7, S/N 75021552, diesel fuel-fired engine providing emergency power to flood response pumps. This engine is rated at 99 hp (73.8 kw) and 4.2 gal/hr.

On August 4, 2020, Dave Huber, of the Colorado Air Pollution Control Division ("Division"), inspected the Facility. Based on the inspection, and a review of records related to the Facility, the Division issued a Compliance Advisory to CEMEX on June 29, 2021. On August 5, 2021, the Division and CEMEX met to discuss the issues identified in the Compliance Advisory.

Based upon a review of the inspection, records related to the Facility, and the information provided by CEMEX, the Division has determined the following:

- A. Pursuant to Permit Number 95OPBO082, Section II, Condition 5.12, the Facility is subject to the requirements of Subpart LLL as set forth in Condition 22 of this permit. Pursuant to Permit Number 95OPBO082, Section II, Condition 22.4 and Subpart LLL § 63.1343(b), total organic HAP emissions from AIRS Point 002 are limited to 12 ppmvd. CEMEX utilizes a THC CEMS as a surrogate for organic HAP monitoring for AIRS Point 002. CEMEX reported downtime of 8.579%, (134 out of 1562 operating hours) for the AIRS Point 002 THC CEMS in the first quarter of 2020. CEMEX failed to monitor the THC emissions as a surrogate for organic HAP from AIRS Point 002 using the THC CEMS as required, therefore, CEMEX failed to demonstrate compliance with the total organic HAP emission limit for AIRS Point 002, violating Permit Number 95OPBO082, Section II, Condition 5.12 and Subpart LLL § 63.1343(b).
- B. Pursuant to Permit Number 95OPBO082, Section II, Condition 10.11, for AIRS Point 007, compliance with the CO annual emission limit shall be monitored using the CO CEMS. CEMEX reported CO CEMS downtime of 8.769% (99 hours down out of 1129 operating hours) in the third quarter of 2019 due to a failed RATA from August 16-20, 2019. CEMEX failed to monitor CO emissions from AIRS Point 007 using the CO CEMS as required, violating Permit Number 95OPBO082, Section II, Condition 10.11.
- C. Pursuant to Permit Number 95OPBO082, Section II, Condition 18.2, all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements. CEMEX reported downtime for the AIRS Point 002 THC CEMS of 8.579% (see Paragraph A) and downtime for the AIRS Point 007 CO CEMS of 8.579% (see Paragraph B), which the Division has determined is a violation of Permit Number 95OPBO082, Section II, Condition 18.2.
- D. Pursuant to Permit Number 95OPBO082, Section II, Condition 22.13 and Subpart LLL § 63.1348(b), CEMEX must demonstrate compliance with the emissions standards and operating limits by using the performance test methods and procedures in §§ 63.1350 and 63.8 for each affected source. Pursuant to Permit Number 95OPBO082, Section II, Condition 22.20 and Subpart LLL § 63.1349(b)(4)(i), CEMEX must operate a CEMS in accordance with the requirements in § 63.1350(i) (Condition 22.35). Pursuant to Permit Number 95OPBO082, Section II, Condition 22.35.1 and Subpart LLL § 63.1350(i)(1), CEMEX must install, operate, and maintain a THC continuous emission monitoring system. CEMEX reported downtime in the first quarter of 2020 for the AIRS Point 002 THC CEMS (see Paragraph A), violating Permit Number 95OPBO082, Section II, Conditions 22.13, 22.20, and 22.35.1 and Subpart LLL §§ 63.1348(b), 63.1349(b)(4)(i), and 63.1350(i)(1).



- E. Pursuant to Permit Number 95OPBO082, Section II, Condition 22.15 and Subpart LLL § 63.1348(d), at all times you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. On October 22, 2019, a kiln push flushed uncooked raw material through the kiln (AIRS Point 007) and into the clinker cooler (AIRS Point 008), causing visible emissions from the kiln hood and clinker cooler which lasted approximately 34 minutes. On October 22, 2019, CEMEX failed to operate and maintain the air pollution control equipment for AIRS Points 007 and 008 in a manner consistent with safety and good air pollution control practices for minimizing emissions, violating Permit Number 95OPBO082, Section II, Condition 22.15 and Subpart LLL § 63.1348(d).
- F. Pursuant to Permit Number 95OPBO082, Section II, Condition 22.23.9 and Subpart LLL § 63.1349(b)(7)(xi), to determine continuous compliance with the THC operating limit, you must record the THC CEMS output data for all periods when the process is operating and the THC CEMS is not out-of-control. Permit Number 95OPBO082, Section II, Condition 22.36 and Subpart LLL § 63.1350(j), if you are complying with the total organic HAP emissions limits, you must continuously monitor THC according to 63.1350(i)(1) and (2) (Conditions 22.35.1 and 22.35.2). CEMEX reported downtime for the AIRS Point 002 THC CEMS in the first quarter of 2020 (see Paragraph A), violating Permit Number 95OPBO082, Section II, Conditions 22.23.9 and 22.36 and Subpart LLL §§ 63.1349(b)(7)(xi) and 63.1350(j).
- G. Pursuant to Permit Number 95OPBO082, Section II, Condition 26.3, hours of operation for each engine shall be monitored annually (calendar year) and recorded in a log to be made available to the Division upon request. CEMEX operated the Flood Response Engine for .5 hours in December 2019 to perform a Method 9 test and failed to record the operation in a log, violating Permit Number 95OPBO082, Section II, Condition 26.3.
- H. Pursuant to Permit Number 95OPBO082, Section II, Condition 26.5.4.2, if an engine is operated more than 250 hours in any calendar year period, a second opacity observation shall be conducted. CEMEX operated the Dowe Flats 8" Pump engine for more than 250 hours and failed to conduct a second opacity observation, violating Permit Number 95OPBO082, Section II, Condition 26.5.4.2.
- I. Pursuant to Permit Number 95OPBO082, Section II, Condition 21, the permittee shall promptly report any deviation from permit requirements, including those attributable to malfunction conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. Pursuant to Permit Number 95OPBO082, Section II, Condition 22.d, the permittee shall submit to the Air Pollution Control Division all reports of any required monitoring at least every six (6) months. All instances of deviations from any permit requirements must be clearly identified in such reports. CEMEX did not perform a required opacity observation for the Dowe Flats 8" Pump engine (see Paragraph H) and failed to report the deviation, violating Permit Number 95OPBO082, Section II, Conditions 21 and 22.

The Colorado Air Pollution Prevention and Control Act, at § 25-7-122(1)(b), C.R.S., specifies the penalty for such violations. The monetary amount of the Division's settlement offer specified below



takes into account, among other factors, the magnitude and severity of the violation, cooperation of the company, as well as the prior history of violations of air quality requirements associated with any of the company's facilities/operations in the State of Colorado (including a company's parent or subsidiary relations, if applicable). Settlement offers are based on the evaluation of the same factors and criteria in all cases. Based upon CEMEX's cooperation, and its efforts to bring its operations into compliance with the regulations and permit conditions identified above, the Division acknowledges that CEMEX has appropriately and adequately addressed all compliance issues identified above. In the interest of settling the matters cited herein, the Division therefore offers the following settlement in accordance with the Division's settlement policy.

1. Payment of a reduced penalty in the sum of **Forty Thousand Two Hundred Fifty Dollars (\$40,250.00)**. Payment of the penalty precludes further enforcement by the Division for the above-described violation against CEMEX. The Division retains its authority to take enforcement actions based on any and all violations not specifically described above.
2. Entering into this settlement shall not constitute an admission of violation of the air quality laws, or the alleged facts relating thereto, nor shall any third party infer it to be such an admission in any administrative or judicial proceeding. However, CEMEX agrees not to challenge the factual or legal determinations herein, the Division's authority to bring, or the court's jurisdiction to hear, any action, insofar as it pertains to the matters contained herein, to enforce the terms of this settlement agreement. The described violation will constitute part of CEMEX's compliance history for any purpose for which such history is relevant.

This letter constitutes an offer of settlement and is not a demand for payment. Please contact me if you wish to discuss this offer of settlement. We remain willing to consider any information you wish to submit related to the violation. Please be advised, however, that the offer of settlement contained in this letter is predicated on resolving this matter within fifteen (15) days of the date of this settlement proposal letter. If you elect to continue the negotiation of this matter beyond that date, this offer shall be deemed withdrawn, and any penalty mitigation built into this settlement proposal may be revoked. If you require additional time to evaluate this settlement proposal or discuss remaining issues with the Division, however, please contact me regarding your request for an extension of the offer. Any extension of the offer, if agreed to by the Division, must be confirmed, in writing, by the Division.

If the above terms are acceptable to you, please have the appropriate person sign and return this letter and send a check in the sum of **\$40,250.00**, made payable to the Colorado Department of Public Health and Environment, to

**Air Pollution Control Division
Attn: Heather Wuollet
4300 Cherry Creek Drive South
APCD-SS-B1
Denver, Colorado 80246-1530**

This offer of settlement, upon being fully endorsed by both the Division and CEMEX, shall constitute full and final resolution of the noncompliance issues identified herein and in the Compliance Advisory issued to CEMEX.

You may write or call to request a settlement conference if you wish to discuss the matter with representatives of the Division's compliance staff. If we do not receive a response from you within fifteen (15) days of the date of this letter, we will assume that you are not interested in resolving this matter as outlined above. Please call me, at 303-692-3259, or Heather Wuollet, at 303-692-3198, if you have any further questions regarding this matter.

Sincerely,



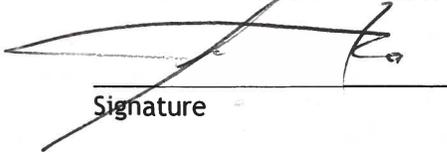


Shannon McMillan
Compliance and Enforcement Program Manager

I certify that I am authorized by CEMEX to execute this settlement agreement and bind CEMEX, and any affiliated entities, to the terms and conditions of this agreement. I have read the above settlement and agree to the terms and conditions of this offer.

Name: ERIK ESTRADA

Title: PLANT MGR.



Signature

303.823.2101
Telephone Number

1/07/22
Date

cc: Shannon McMillan, APCD Dave Huber, APCD
Paul Carr, APCD Beth Pilson, APCD
Heather Wuollet, APCD Tom Lovell, APCD
Ben Cappa, APCD Michael Stovern, EPA (Region VIII)
Tom Roan, Attorney General's Office File





COLORADO

Department of Public
Health & Environment

June 30, 2020

SENT VIA CERTIFIED MAIL NO. 7017 0660 0000 0139 4929
Return Receipt Requested

Scott Harcus
CEMEX Construction Materials South, LLC
PO Box 529
Lyons, CO 80540

Re: Proposed Early Settlement Agreement in the Matter of CEMEX Construction Materials South, LLC
AIRS No.: 013-0003
Case No.: 2020-036

Dear Scott Harcus:

CEMEX Construction Material South, LLC (“CEMEX”) owns and operates the Lyons, a portland cement manufacturing facility located at 5134 Ute Highway, Longmont, Boulder County, Colorado (“Facility”). The Facility is subject to the terms and conditions of the following:

- Colorado Operating Permit Number 95OPBO082, first issued to CEMEX on February 1, 2000 and last renewed on November 17, 2017 (“Permit Number 95OPBO082”);
- 40 CFR Part 60—Standards of Performance for New Stationary Sources, Subpart A—General Provisions (“Subpart A”);
- 40 CFR Part 60—Standards of Performance for New Stationary Sources, Appendix F to Part 60—Quality Assurance Procedures (“Appendix F”);
- 40 CFR Part 63—National Emission Standards for Hazardous Air Pollutants For Source Categories, Subpart LLL—National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry (“Subpart LLL”);
- Colorado Air Quality Control Statutes; and
- Colorado Air Quality Control Commission (“AQCC”) Regulations.

The following Facility equipment is relevant to this enforcement action:

AIRS Point/Facility ID	Description
002/P002	S005 - Raw Materials Dryer
007/P007	S016 - Precalciner Kiln



008/P008	Clinker cooling and transfer to storage for finish mill.
015/P015	Outdoor clinker piles and handling
049/P007A	Handling and processing of CKD and raw material waste dust, including haulage and disposal of pelletized CKD and benefaction dust.
APEN Exempt/ Dowe Flats 6" Pump	John Deere, Model No. T0404045DF150, S/N unknown, diesel fuel-fired engine driving a water pump. This engine is rated at 80 hp and 0.6 MMBtu/hr (4.2 gal/hr).

On August 27, 2019, Dave Huber, of the Colorado Air Pollution Control Division ("Division"), inspected the Facility. Based on the inspection, and a review of records related to the Facility, the Division issued a Compliance Advisory to CEMEX on March 27, 2020. On April 29, 2020, the Division and CEMEX met to discuss the issues identified in the Compliance Advisory.

Based upon a review of the inspection, records related to the Facility, and the information provided by CEMEX, the Division has determined the following:

- A. Pursuant to Permit Number 95OPBO082, Section II, Condition 5.7.1, for AIRS Point 002 (raw materials dryer), frequency of testing shall be every thirty (30) months for volatile organic compounds ("VOC"). CEMEX performed the most recent VOC stack test for AIRS Point 002 on June 14, 2016, therefore the next VOC testing was required to be completed by December 14, 2018. CEMEX has not conducted another stack test, but installed and certified a total hydrocarbon ("THC") continuous emissions monitoring system ("CEMS") to monitor VOC on June 5, 2019. CEMEX failed to conduct VOC testing for Point 002 as required from December 14, 2018 to June 5, 2019, violating Permit Number 95OPBO082, Section II, Condition 5.7.1.

- B. Pursuant to Permit Number 95OPBO082, Section II, Conditions 11.6.1.10 and 13.7.1.6, for AIRS Point 015 (outdoor clinker piles and handling) and AIRS Point 049 (haulage and disposal), the permittee shall operate a powered sweeper during the day shift for 12 hours a day, 7 days a week to control accumulations on paved areas. CEMEX failed to operate a powered sweeper for AIRS Point 015 during the day shift on April 7 & 8, 2019, violating Permit Number 95OPBO082, Section II, Conditions 11.6.1.10 and 13.7.1.6.

CEMEX retrained Facility supervisors on Title V requirements and created a roster of trained sweeper employees.

- C. Pursuant to Permit Number 95OPBO082, Section II, Condition 18.1.1, the CEMS for AIRS Points 002 (raw materials dryer) and 007 (kiln) are subject to the quality assurance/quality control requirements of Appendix F to Part 60 including those listed below.
 - i. Pursuant to Appendix F § 5.1, each CEMS must be audited at least once each calendar quarter. CEMEX failed to perform an audit on the AIRS Point 007 diluent (CO₂/O₂) CEMS during the second quarter of 2019 ("Q2 2019"), violating Permit Number 95OPBO082, Section II, Condition 18.1.1 and Appendix F § 5.1.

 - ii. Pursuant to Appendix F § 7, the source must include one copy of the Data Assessment Report ("DAR") for each quarterly audit with the report of emissions required under the applicable subparts of this part; the DAR must include the identification and location of monitors in the CEMS, the manufacturer and model number of each monitor in the CEMS, an assessment of CEMS data accuracy and date of assessment, and results from



EPA performance audit samples described in Appendix F § 5. On June 5, 2019, CEMEX certified a THC CEMS for AIRS Point 002. CEMEX failed to report the AIRS Point 002 THC CEMS in the Q2, Q3, and Q4 2019 DAR, violating Permit Number 95OPBO082, Section II, Condition 18.1.1 and Appendix F § 7.

On May 15, 2020, CEMEX submitted corrected DARs for Q2, Q3, and Q4 2019.

- D. Pursuant to Permit Number 95OPBO082, Section II, Condition 18.4.1 and Subpart A § 60.7(c), each owner or operator required to install a continuous monitoring device (CEMS) shall submit excess emissions and monitoring systems performance reports (“EER”) to the Division semiannually, which shall include the date and time identifying each period during which the CEMS was inoperative except for zero and span checks and the nature of the system repairs or adjustments. CEMEX uses a certified diluent (O₂, CO₂) CEMS for AIRS Point 007 (kiln) for compliance demonstration and reporting. CEMEX has failed to report AIRS Point 007 diluent CEMS downtime in EERs since mid-2015, violating Permit Number 95OPBO082, Section II, Condition 18.4.1 and Subpart A § 60.7(c).

On May 15, 2020, CEMEX submitted corrected EERS spanning 2019 to present.

- E. Pursuant to Permit Number 95OPBO082, Section II, Condition 22, those sources throughout Section II of this permit that are referred to this condition are subject to the requirements of Subpart LLL. The Permit Number 95OPBO082, Section II, Condition 10 MACT Standards for AIRS Points 007 and 008 refer to Subpart LLL and Condition 22. Pursuant to Permit Number 95OPBO082, Section II, Condition 22.15 and Subpart LLL § 63.1348(d), at all times CEMEX must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. On December 6, 2018, CEMEX reported a dust plume was released on December 5, 2018 between 2:20 and 3:10 p.m. from the pre-heater tower, kiln gasket seal, firing hood, and cooler at AIRS Points 007 (kiln) and 008 (clinker cooling and transfer). On December 5, 2018, CEMEX failed to operate AIRS Point 007 in a manner consistent with safety and good air pollution control practices for minimizing emissions, violating Permit Number 95OPBO082, Section II, Condition 22.15 and Subpart LLL § 63.1348(d).

On May 15, 2020, CEMEX provided additional information to the Division indicating the dust incident occurred due to variable coal moisture, and resultant rapid kiln temperature reduction and pressure increase. To prevent future incidents, CEMEX added automated high/low temperature interlocks and high/low pressure alarms at the inlets and outlets to notify operators of changing fuel flow conditions caused by moisture content of the coal source; low-level kiln drive motor amperage alarms to indicate dropping kiln process temperatures; and a system pressure interlock to automate shutdown of fuel and feed if positive pressures are registered.

- F. Pursuant to Permit Number 95OPBO082, Section II, Condition 22, those sources throughout Section II of this permit that are referred to this condition are subject to the requirements of Subpart LLL. The Permit Number 95OPBO082, Section II, Condition 10 MACT Standards for AIRS Point 007 refers to Subpart LLL and Condition 22, including the requirements listed below.

- i. Pursuant to Condition 22.3 and Subpart LLL § 63.1343(a), the THC limits for kilns are corrected to 7 percent oxygen. CEMEX failed to perform an



O2/CO2 audit on the AIRS Point 007 CEMS during Q2 2019, therefore failed to accurately correct the AIRS Point 007 THC limit to 7 percent oxygen during Q2 2019, violating Permit Number 95OPBO082, Section II, Condition 22.3 and Subpart LLL § 63.1343(a).

- ii. Pursuant to Permit Number 95OPBO082, Section II, Condition 22.13.1.2 and Subpart LLL § 63.1348(b)(1)(ii), except for periods of startup and shutdown, monitoring system malfunctions, repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or quality control activities (including, as applicable, calibration checks and required zero and span adjustments), CEMEX must operate the monitoring system and collect data at all required intervals at all times the affected source is operating. CEMEX failed to perform an O2/CO2 audit on the AIRS Point 007 CEMS during Q2 2019, therefore failed to collect accurate data for AIRS Point 007 during Q2 2019, violating Permit Number 95OPBO082, Section II, Condition 22.13.1.2 and Subpart LLL § 63.1348(b)(1)(ii).
- iii. Pursuant to Permit Number 95OPBO082, Section II, Condition 22.13.5 and Subpart LLL § 63.1348(b)(6)(i), for AIRS Point 007, CEMEX must demonstrate compliance using the monitoring methods and procedures in Conditions 22.35 and 22.36 and § 63.1350(i) and (j). Pursuant to Condition 22.36 and Subpart LLL § 63.1350(i)(1), CEMEX must operate and maintain each CEMS according to the quality assurance requirements in Procedure 1 of Appendix F in part 60 of this chapter. Pursuant to Appendix F § 5.1, each CEMS must be audited at least once each calendar quarter. CEMEX failed to perform an O2/CO2 audit on the AIRS Point 007 CEMS during Q2 2019, violating Permit Number 95OPBO082, Section II, Conditions 22.13.5, and 22.36 and Subpart LLL §§ 63.1348(b)(6)(i) and 63.1350(i)(1).
- iv. Pursuant to Permit Number 95OPBO082, Section II, Condition 22.23.9 and Subpart LLL § 63.1349(b)(7)(xi), CEMEX must demonstrate continuous compliance by using all quality-assured hourly average data collected by the THC CEMS for all operating hours. CEMEX failed to perform an O2/CO2 audit on the AIRS Point 007 CEMS during Q2 2019, therefore failed to use quality-assured data for AIRS Point 007 during Q2 2019, violating Permit Number 95OPBO082, Section II, Condition 22.23.9 and Subpart LLL § 63.1349(b)(7)(xi).

- G. Pursuant to Permit Number 95OPBO082, Section II, Condition 26.5.4.2, if an engine is operated more than 250 hours in any calendar year period, a second opacity observation shall be conducted. In a Semi-Annual Monitoring Report dated February 1, 2019, CEMEX reported a second opacity observation was not conducted on the Dowe Flats 6" Pump engine at AIRS Point 053 after 250 hours of operation during 2018. CEMEX failed to conduct a second opacity observation after operating the Dowe Flats 6" Pump engine for more than 250 hours during 2018, violating Permit Number 95OPBO082, Section II, Condition 26.5.4.2.

CEMEX has implemented a new standard operating procedure for the Dowe Flats 6" Pump engine.

The Colorado Air Pollution Prevention and Control Act, at § 25-7-122(1)(b), C.R.S., specifies that the penalty for such violations may be up to Fifteen Thousand Dollars (\$15,000.00) per day for each violation. The monetary amount of the Division's settlement offer specified below is derived from a pre-established schedule of penalties, which takes into account, among other factors, the magnitude and severity of the violation, cooperation of the company, as well as the prior history of



violations of air quality requirements associated with any of the company's facilities/operations in the State of Colorado (including a company's parent or subsidiary relations, if applicable). Settlement offers are based on the evaluation of the same factors and criteria in all cases. Based upon CEMEX's cooperation, and its efforts to bring its operations into compliance with the regulations and permit conditions identified above, the Division acknowledges that CEMEX has appropriately and adequately addressed all compliance issues identified above. In the interest of settling the matters cited herein, the Division therefore offers the following settlement in accordance with the Division's settlement policy.

1. Payment of a reduced penalty in the sum of **Forty-Two Thousand Dollars (\$42,000.00)**. Payment of the penalty precludes further enforcement by the Division for the above-described violation against CEMEX. The Division retains its authority to take enforcement actions based on any and all violations not specifically described above.
2. Entering into this settlement shall not constitute an admission of violation of the air quality laws, or the alleged facts relating thereto, nor shall any third party infer it to be such an admission in any administrative or judicial proceeding. However, CEMEX agrees not to challenge the factual or legal determinations herein, the Division's authority to bring, or the court's jurisdiction to hear, any action, insofar as it pertains to the matters contained herein, to enforce the terms of this settlement agreement. The described violation will constitute part of CEMEX's compliance history for any purpose for which such history is relevant.

This letter constitutes an offer of settlement and is not a demand for payment. Please contact me if you wish to discuss this offer of settlement. We remain willing to consider any information you wish to submit related to the violation. Please be advised, however, that the offer of settlement contained in this letter is predicated on resolving this matter within fifteen (15) days of the date of this settlement proposal letter. If you elect to continue the negotiation of this matter beyond that date, this offer shall be deemed withdrawn, and any penalty mitigation built into this settlement proposal may be revoked. If you require additional time to evaluate this settlement proposal or discuss remaining issues with the Division, however, please contact me regarding your request for an extension of the offer. Any extension of the offer, if agreed to by the Division, must be confirmed, in writing, by the Division.

If the above terms are acceptable to you, please have the appropriate person sign and return this letter and send a check in the sum of **\$42,000.00**, made payable to the Colorado Department of Public Health and Environment, to

**Air Pollution Control Division
Attn: Heather Wuollet
4300 Cherry Creek Drive South
APCD-SS-B1
Denver, Colorado 80246-1530**

This offer of settlement, upon being fully endorsed by both the Division and CEMEX, shall constitute full and final resolution of the noncompliance issues identified herein and in the Compliance Advisory issued to CEMEX.

You may write or call to request a settlement conference if you wish to discuss the matter with representatives of the Division's compliance staff. If we do not receive a response from you within fifteen (15) days of the date of this letter, we will assume that you are not interested in resolving this matter as outlined above. Please call me, at 303-692-3259, or Heather Wuollet, at 303-692-3198, if you have any further questions regarding this matter.



Sincerely,



Shannon McMillan
Compliance and Enforcement Program Manager

I certify that I am authorized by CEMEX to execute this settlement agreement and bind CEMEX, and any affiliated entities, to the terms and conditions of this agreement. I have read the above settlement and agree to the terms and conditions of this offer.

Name: Uwe Lubjuhn

Title: Plant Manager



Signature

720 347 3519
Telephone Number

07/21/2020
Date

- cc: Shannon McMillan, APCD
- Paul Carr, APCD
- Heather Wuollet, APCD
- Ben Cappa, APCD
- Tom Roan, Attorney General's Office
- Dave Huber, APCD
- Beth Pilson, APCD
- Tom Lovell, APCD
- Michael Stovern, EPA (Region VIII)
- File





RECEIVED

FEB 27 2020

APCD
Stationary
Sources

February 11, 2020

SENT VIA CERTIFIED MAIL NO. 7017 0660 0000 0139 1003
Return Receipt Requested

Scott Marcus
CEMEX Construction Materials South, LLC
PO Box 529
Lyons, CO 80540

Re: Proposed Early Settlement Agreement in the Matter of CEMEX Construction Materials South, LLC
AIRS No.: 013-0003
Case No.: 2019-197

Dear Scott Marcus:

CEMEX Construction Materials South, LLC ("CEMEX") owns and operates the Lyons Cement Plant located at 5134 Ute Highway, Longmont, Boulder County, Colorado ("Facility"). The Facility is subject to the terms and conditions of Colorado Operating Permit Number 95OPBO082, first issuance issued to CEMEX on February 1, 2000, renewed March 1, 2017, last revised November 17, 2017 ("Permit Number 95OPBO082"); 40 CFR Part 63, Subpart LLL—National Emissions Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry ("Subpart LLL"); Colorado Air Quality Control Statutes; and Colorado Air Quality Control Commission ("AQCC") Regulations.

On October 2 and 3, 2019, CEMEX conducted scheduled compliance testing on the exhaust stack of the kiln (AIRS Point 007) at the Facility ("stack test"). Based on the stack test reports received on September 20 and November 1, 2019, and a review of records related to the Facility, the Air Pollution Control Division ("Division") issued a Compliance Advisory to CEMEX on December 27, 2019. On January 22, 2020, the Division and CEMEX met to discuss the issues identified in the Compliance Advisory.

Based upon a review of the stack test reports, records related to the Facility, and the information provided by CEMEX, the Division has determined the following:

- A. Pursuant to Permit Number 95OPBO082, Section II, Condition 22.25 and Subpart LLL § 63.1349(c), CEMEX must conduct performance tests for dioxin/furan at regular intervals. Performance tests are required every 30 months and must be completed no more than 31 calendar months after the previous performance test. CEMEX conducted dioxin/furan testing on February 9, 2017 and the next performance test was required to be completed by September 9, 2019. CEMEX failed to complete required dioxin/furan testing until October 3, 2019, violating Permit Number 95OPBO082, Section II, Condition 22.25 and Subpart LLL § 63.1349(c).

The stack test report received on September 20, 2019 was for dioxin/furan testing



completed in August 2019. All three runs of the August test failed to collect the minimum sample volume of 90 dscf, as required by Subpart LLL § 63.1349(b)(3)(i), therefore the test was not a valid demonstration of compliance. Testing conducted on October 2 and 3, 2019 successfully demonstrated compliance with dioxin/furan limits, as determined from the stack test report received on November 1, 2019.

The Colorado Air Pollution Prevention and Control Act, at § 25-7-122(1)(b), C.R.S., specifies that the penalty for such violations may be up to Fifteen Thousand Dollars (\$15,000.00) per day for each violation. The monetary amount of the Division's settlement offer specified below is derived from a pre-established schedule of penalties, which takes into account, among other factors, the magnitude and severity of the violation, cooperation of the company, as well as the prior history of violations of air quality requirements associated with any of the company's facilities/operations in the State of Colorado (including a company's parent or subsidiary relations, if applicable). Settlement offers are based on the evaluation of the same factors and criteria in all cases. Based upon CEMEX's cooperation, and its efforts to bring its operations into compliance with the regulations and permit conditions identified above, the Division acknowledges that CEMEX has appropriately and adequately addressed all compliance issues identified above. In the interest of settling the matters cited herein, the Division therefore offers the following settlement in accordance with the Division's settlement policy.

1. Payment of a reduced penalty in the sum of **Five Thousand Two Hundred Fifty Dollars (\$5,250.00)**. Payment of the penalty precludes further enforcement by the Division for the above-described violation against CEMEX. The Division retains its authority to take enforcement actions based on any and all violations not specifically described above.
2. Entering into this settlement shall not constitute an admission of violation of the air quality laws, or the alleged facts relating thereto, nor shall any third party infer it to be such an admission in any administrative or judicial proceeding. However, CEMEX agrees not to challenge the factual or legal determinations herein, the Division's authority to bring, or the court's jurisdiction to hear, any action, insofar as it pertains to the matters contained herein, to enforce the terms of this settlement agreement. The described violation will constitute part of CEMEX's compliance history for any purpose for which such history is relevant.

This letter constitutes an offer of settlement and is not a demand for payment. Please contact me if you wish to discuss this offer of settlement. We remain willing to consider any information you wish to submit related to the violation. Please be advised, however, that the offer of settlement contained in this letter is predicated on resolving this matter within fifteen (15) days of the date of this settlement proposal letter. If you elect to continue the negotiation of this matter beyond that date, this offer shall be deemed withdrawn, and any penalty mitigation built into this settlement proposal may be revoked. If you require additional time to evaluate this settlement proposal or discuss remaining issues with the Division, however, please contact me regarding your request for an extension of the offer. Any extension of the offer, if agreed to by the Division, must be confirmed, in writing, by the Division.

If the above terms are acceptable to you, please have the appropriate person sign and return this letter and send a check in the sum of **\$5,250.00**, made payable to the Colorado Department of Public Health and Environment, to

**Air Pollution Control Division
Attn: Heather Wuollet
4300 Cherry Creek Drive South
APCD-SS-B1
Denver, Colorado 80246-1530**



This offer of settlement, upon being fully endorsed by both the Division and CEMEX, shall constitute full and final resolution of the noncompliance issues identified herein and in the Compliance Advisory issued to CEMEX.

You may write or call to request a settlement conference if you wish to discuss the matter with representatives of the Division's compliance staff. If we do not receive a response from you within fifteen (15) days of the date of this letter, we will assume that you are not interested in resolving this matter as outlined above. Please call Heather Wuollet, at 303-692-3198, if you have any further questions regarding this matter.

Sincerely,

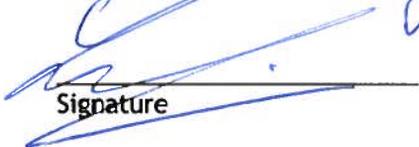


Shannon McMillan
Compliance and Enforcement Program Manager

I certify that I am authorized by CEMEX Construction Materials South, LLC to execute this settlement agreement and bind CEMEX Construction Materials South, LLC, and any affiliated entities, to the terms and conditions of this agreement. I have read the above settlement and agree to the terms and conditions of this offer.

Name: Uwe Lubjunker

Title: Plant Manager


Signature

720 347 3579
Telephone Number

02/26/2020
Date

- cc: Shannon McMillan, APCD
Beth Pilson, APCD
Tom Lovell, APCD
Jeffrey Bishop, APCD
Tom Roan, Attorney General's Office
- Paul Carr, APCD
Heather Wuollet, APCD
Ben Cappa, APCD
Michael Stovern, EPA (Region VIII)
File



November 25, 2019

SENT VIA CERTIFIED MAIL NO. 7017 0660 0000 0139 2888
Return Receipt Requested

Scott Harcus
CEMEX Construction Materials South, LLC
PO Box 529
Lyons, CO 80540

Re: Proposed Early Settlement Agreement in the Matter of CEMEX Construction Materials South, LLC
AIRS No.: 013-0003
Case No.: 2019-158

Dear Scott Harcus:

CEMEX Construction Materials South, LLC (“CEMEX”) owns and operates the Lyons Plant, a portland cement manufacturing facility located at 5134 Ute Highway, Longmont, Boulder County, Colorado (“Facility”). The Facility is subject to the terms and conditions of the Colorado Operating Permit Number 95OPBO082, first issued to CEMEX on February 1, 2000 and last renewed on November 17, 2017 (“Permit Number 95OPBO082”), Air Quality Control Statutes, and Colorado Air Quality Control Commission (“AQCC”) Regulations.

The following equipment is relevant to this enforcement action:

AIRS Point	Process	Description	Control
008	Clinker Cooling and Transfer to Storage for Finish Mill	S017 - Clinker Drag Chains	DC 525-5 - 1 Baghouse

On December 12, 2018, Grant McKercher, of the Colorado Air Pollution Control Division (“Division”), conducted a partial compliance evaluation of the Facility. Based on the partial compliance evaluation, and a review of records related to the Facility, the Division issued a Compliance Advisory to CEMEX on September 11, 2019. On October 9, 2019, the Division and CEMEX met to discuss the issues identified in the Compliance Advisory.

Based upon a review of the partial compliance evaluation, records related to the Facility, and the information provided by CEMEX, the Division has determined the following:

- A. Pursuant to Permit Number 95OPBO082, Section II, Condition 19, routine maintenance of and operational procedures performed on the baghouses shall be conducted in accordance with manufacturer’s specifications and/or good engineering practices. A copy of the operating and maintenance procedures,



schedules for maintenance and/or inspection activities and records related to the operation and maintenance of the baghouses and good engineering practices, such as records of routine maintenance and/or inspections shall be maintained and made available to the Division upon request. On December 12, 2018 at or around 11:30 am, Mr. McKercher observed significant fugitive dust emissions from the clinker transport elevators and drag chains at AIRS Point 008 (S017, DC 525-5). Mr. McKercher then observed that the Magnehelic gauge of the clinker cooler area baghouse at AIRS Point 008 (S017, DC 525-5) displayed a differential pressure reading of approximately zero due to a closed-off air handling damper, resulting in the uncontrolled emissions observed. In a report submitted to the Division, CEMEX identified the baghouse as Baghouse Dust Collector #525-5, and stated the issue was resolved at 7:35 am on December 13, 2018 by adjusting the air handling damper on the baghouse. CEMEX failed to operate the baghouses at AIRS Point 008 in accordance with good engineering practices on December 12 and 13, 2018, violating Permit Number 95OPBO082, Section II, Condition 19.

- B. Pursuant to Permit Number 95OPBO082, Section II, Condition 20.3, baghouses shall be operated and maintained in accordance with the requirements in Condition 19 in order to monitor compliance with the opacity limits set out in Permit Number 95OPBO082, Section II, Condition 20 and AQCC Regulation Number 1. As described in Paragraph A, CEMEX failed to operate a baghouse at AIRS Point 008 (S017, DC 525-5) in accordance with the requirements in Condition 19, violating Permit Number 95OPBO082, Section II, Condition 20.3.

The Colorado Air Pollution Prevention and Control Act, at § 25-7-122(1)(b), C.R.S., specifies that the penalty for such violations may be up to Fifteen Thousand Dollars (\$15,000.00) per day for each violation. The monetary amount of the Division's settlement offer specified below is derived from a pre-established schedule of penalties, which takes into account, among other factors, the magnitude and severity of the violation, cooperation of the company, as well as the prior history of violations of air quality requirements associated with any of the company's facilities/operations in the State of Colorado (including a company's parent or subsidiary relations, if applicable). Settlement offers are based on the evaluation of the same factors and criteria in all cases. Based upon CEMEX's cooperation, and its efforts to bring its operations into compliance with the regulations and permit conditions identified above, the Division acknowledges that CEMEX has appropriately and adequately addressed all compliance issues identified above. In the interest of settling the matters cited herein, the Division therefore offers the following settlement in accordance with the Division's settlement policy.

1. Payment of a reduced penalty in the sum of **Seven Thousand Dollars (\$7,000.00)**. Payment of the penalty precludes further enforcement by the Division for the above-described violation against CEMEX. The Division retains its authority to take enforcement actions based on any and all violations not specifically described above.
2. Entering into this settlement shall not constitute an admission of violation of the air quality laws, or the alleged facts relating thereto, nor shall any third party infer it to be such an admission in any administrative or judicial proceeding. However, CEMEX agrees not to challenge the factual or legal determinations herein, the Division's authority to bring, or the court's jurisdiction to hear, any action, insofar as it pertains to the matters contained herein, to enforce the terms of this settlement agreement. The described violation will constitute part of CEMEX's compliance history for any purpose for which such history is relevant.

This letter constitutes an offer of settlement and is not a demand for payment. Please contact me if you wish to discuss this offer of settlement. We remain willing to consider any information you wish to submit related to the violation. Please be advised, however, that the offer of settlement contained in this letter is predicated on resolving this matter within fifteen (15) days of the date of



this settlement proposal letter. If you elect to continue the negotiation of this matter beyond that date, this offer shall be deemed withdrawn, and any penalty mitigation built into this settlement proposal may be revoked. If you require additional time to evaluate this settlement proposal or discuss remaining issues with the Division, however, please contact me regarding your request for an extension of the offer. Any extension of the offer, if agreed to by the Division, must be confirmed, in writing, by the Division.

If the above terms are acceptable to you, please have the appropriate person sign and return this letter and send a check in the sum of \$7,000.00, made payable to the Colorado Department of Public Health and Environment, to

**Air Pollution Control Division
Attn: Heather Wuollet
4300 Cherry Creek Drive South
APCD-SS-B1
Denver, Colorado 80246-1530**

This offer of settlement, upon being fully endorsed by both the Division and CEMEX, shall constitute full and final resolution of the noncompliance issues identified herein and in the Compliance Advisory issued to CEMEX.

You may write or call to request a settlement conference if you wish to discuss the matter with representatives of the Division's compliance staff. If we do not receive a response from you within fifteen (15) days of the date of this letter, we will assume that you are not interested in resolving this matter as outlined above. Please call me, at 303-692-3259, or Heather Wuollet, at 303-692-3198, if you have any further questions regarding this matter.

Sincerely,

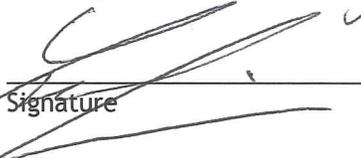


Shannon McMillan
Compliance and Enforcement Program Manager

I certify that I am authorized by CEMEX to execute this settlement agreement and bind CEMEX, and any affiliated entities, to the terms and conditions of this agreement. I have read the above settlement and agree to the terms and conditions of this offer.

Name: Uwe Lubjuba

Title: Plant Manager



Signature

720 347 3519

Telephone Number

12/5/2019

Date

cc: Shannon McMillan, APCD
Paul Carr, APCD
Heather Wuollet, APCD
Tom Roan, Attorney General's Office
Tom Lovell, APCD
Beth Pilson, APCD
Michael Stovern, EPA (Region VIII)
File



Cemex (AIRS Plant ID 013-0003): Enforcement History

APCD provides regular compliance oversight of the Cemex Lyons Plant, including annual inspections, oversight of any required stack tests, and other compliance related issues. Delegated representatives at Boulder County Health Department typically take the lead responding to complaints related to the facility.

Cemex has been the subject of 12 formal enforcement actions by APCD since 2000, 5 of these in the last 5 years (see details below). In addition, there is an additional formal enforcement action by APCD which is still pending.

- Case No. 2021-077
 - Early Settlement Agreement (ESA)
 - FY20 inspection
 - Continuous Emissions Monitoring Systems (CEMS) downtime
 - Opacity violation (kiln & clinker cooler)
 - Monitoring, Recordkeeping & Reporting issues
 - \$40,250 penalty
- Case No. 2020-036
 - ESA
 - FY19 inspection
 - Failed to conduct timely VOC testing
 - Failed to operate power sweeper on two days
 - Failed to complete required QA/QC actions for THC CEMS
 - Dust plume observed (from points associated with kiln/clinker cooler), violating requirement to operate in a manner with good air pollution control practices
 - Monitoring & Reporting issues
 - \$42,000 penalty
- Case No. 2019-197
 - ESA
 - September & October 2019 stack testing
 - Failed to conduct timely dioxin/furan testing on the kiln
 - \$5,250 penalty
- Case No. 2019-158
 - ESA
 - 12/2018 Partial Compliance Evaluation (PCE)
 - Significant dust emissions from the clinker transport elevator and drag chains from a process, violating requirement to operate the process' baghouses in accordance with good air engineering practices
 - \$7,000 penalty
- Case 2019-021
 - Compliance Order on Consent (COC)
 - FY18 inspection
 - Opacity from the kiln

- Failure to operate and maintain a baghouse in accordance with manufacturer's specifications and/or good engineering practices
- Failure to operate the plant water truck on two dates in Jan 2018
- Failure to operate the power sweeper for 2 hours on one date in March 2017
- Failure to ensure carbon & lime injection system was operating when temperatures reached trigger point on one date in July 2017
- Monitoring, Recordkeeping & Reporting issues
 - \$35, 000 penalty

Historically, there have been regular complaints about Cemex from nearby residents. Most of these complaints are related to fugitive dust from the plant and/or associated quarry. Some years APCD/Boulder County receive more complaints than others. For example, 2022: 4 complaints (to date); 2021: 16 complaints; 2020: 4 complaints; and 2019: 16 complaints.

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Friday, August 26, 2022 1:20:15 PM

Andrea Vaughn | Long Range Planner I
Boulder County Community Planning & Permitting

Mailing address: PO Box 471 Boulder, CO 80306

Main: 303-441-3930 471 | Direct: 303-441-1356

avaughn@bouldercounty.org

www.bouldercounty.org

From: Toby <toby@tobycamera.com>
Sent: Friday, August 26, 2022 12:59 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Planner and Boulder County Commissioners.

I frequently hike and spend time in the area of the Cemex plant.

I am saddened that we here in Boulder County are contributing to climate change through the burning of coal to make cement.

This is completely inconsistent with our goals of greenhouse gas reductions.

I would like to see Cemex build a big solar farm and use renewable energy to make cement, rather than burning coal.

Or, at least capture the carbon emissions and find a way to store them, even if it is used for injection into oil and gas fields.

I would also like to see Cemex mitigate the dust that is released from the mining operations.

On windy days, I can't even go outside without having respiratory problems from the big clouds of dust that are created at their mining site.

I urge you to work with Cemex to turn this into a model cement production facility that does not release greenhouse gases and destroys our environment.

And if this cannot be done here, I urge you to deny their permit.

I live here because of the high quality of life, not to pay with my health for a few jobs so that a foreign corporation can make millions of dollars while the rest of us suffer.

Respectfully,

Toby Blauwasser

Sworn Statement of Hollie Rogin

My name is Hollie Rogin. I am 54 years old and the Mayor of Lyons, Colorado. I reside in Lyons, Colorado.

On Friday, May 6, 2022, I attended a tour of the CEMEX plant facility and Dowe Flats with the Lyons Board of Trustees. During the tour, the Plant Manager, Eric Estrada, drove Trustee Gregg Oetting and I from the Lyons Plant to Dowe Flats in his truck. During this ride, I asked Mr. Estrada what the goal of keeping the Plant operating for 15 years was, and I remarked that if the plant were as profitable as he'd mentioned, shutting it down seemed like a poor business model. Mr. Estrada replied that Cemex was building a more efficient and less polluting plant near the Colorado/Wyoming border. Trustee Oetting was a witness to this conversation and agrees that this statement reflects what Mr. Estrada said.

I declare that the information herein is true and complete.

Hollie Rogin

Hollie Rogin

*State of Colorado
County of Boulder*

*Subscribed before me this 26th day of
August, 2022 by: Hollie Rogin.*



*Dolores M. Vasquez
Notary Public*

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Monday, August 29, 2022 7:13:16 AM

[@L'Orange, Pete](#)

Fyi
bbg

From: Catherine FinkJohnson <cfinkjohnson@gmail.com>
Sent: Sunday, August 28, 2022 3:23 PM
To: LU Land Use Planner <planner@bouldercounty.org>; Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear BoCo Planning Commission and Boulder County Commissioners

I am writing as a Longmont resident and frequent visitor to Lyons to request that you deny the requested lease extension to CEMEX. Mining is incredibly environmentally destructive and there is no way that extending the lease aligns with [BoCo's Sustainability Plan](#). Additionally, even the Town of Lyons--although it might benefit most from extending the lease--released a request that you reject the application, and it stands to reason that BoCo Planning Commission and Boulder County Commissioners should act in accordance with their request.

Finally, not only does the CEMEX mine have negative health and environmental impacts in our local Boulder County communities, cement is also arguably "[the most destructive material on Earth](#)." I urge you to take this into account and consider Boulder County's wider environmental and health responsibilities as well. For all these reasons, please reject the proposed lease extension.

Thank you for taking my perspective into consideration.

Sincerely,
Catherine Fink
Longmont Mom & High School Teacher

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] Ask a Planner - Jackson Cooper - -
Date: Monday, August 29, 2022 8:39:01 AM

@L'Orange, Pete

Fyi
bbg

-----Original Message-----

From: Ask A Planner <no-reply@wufoo.com>
Sent: Monday, August 29, 2022 8:37 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Ask a Planner - Jackson Cooper - -

Name: Jackson Cooper

Email Address: jackson.cooper.255@gmail.com Please enter your question or comment: I'm fortunate enough to have grown up in Boulder County and live here still, and the health of our people and our home is important to me. To protect the people of Boulder County, I urge you NOT to renew the permit for the CEMEX mine near Lyons. As you likely know, the Front Range has some of the worst air quality in the nation, and large-scale polluters like CEMEX are a major source of that terrible air quality. You don't want to breathe toxic air, I don't want to breathe toxic air, nobody wants to and nobody should have to.

The Boulder County Comprehensive Plan contains some excellent visions for the future of our county, including the stated philosophy that "Preservation of our environmental and natural resources should be a high priority in making land use decisions."

Clearly, the continuation of a mine and plant that emit 375,000 tons of CO2 annually is not aligned with this vision. Please do not the right thing, the responsible thing and don't renew the permit for this huge source of pollution. Thank you!

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] Ask a Planner - David Kimmett - SU-22-0003 - 13301 55th Street
Date: Monday, August 29, 2022 1:26:02 PM

FYI

Best,
Ethan

-----Original Message-----

From: Ask A Planner <no-reply@wufoo.com>
Sent: Monday, August 29, 2022 1:18 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Ask a Planner - David Kimmett - SU-22-0003 - 13301 55th Street

Boulder County Property Address : 13301 55th Street If your comments are regarding a specific Docket, please enter the Docket number: SU-22-0003

Name: David Kimmett

Email Address: daviskimmetticus@gmail.com Phone Number: (720) 708-9149 Please enter your question or comment: Dear Boulder County Staff, Planning Commission, and Board of County Commissioners,

Presently before each of you, collectively, is the quite heated topic of potentially granting a 15-year extension to the Dowe Flats mining operations for the applicant, CEMEX. Under Boulder County's land use powers for a special use permitting process, you hold wide sway in asking an applicant to accommodate your mandates. My suggestion should SU-22-0003 garner approval: demand that CEMEX switch its fuel source from coal to solar-power, entirely. The can be accomplished. CEMEX has plenty of land to do so -- heck, if they wanted to, they could produce more than enough power and sell power back to the utility (I believe Poudre Valley Rural Electric, who is a member of Tri-State Generation & Transmission Assoc.). A Colorado example: Pueblo's EVRAZ steel is going to be 100% solar-powered, meaning their energy-intense steel manufacturing will be accomplished by solar PV electricity, plus likely battery storage.

CEMEX shouldn't be permitted to continue to foul the air of Boulder County, of Longmont, of points beyond, simply out of expediency and cost -- in the end, the cost of an all-encompassing solar facility will pay for itself, both to CEMEX's bottom line and our own quality of life.

Thank you for your time and consideration.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] Ask a Planner - Elysa Firestone - SU-22-003 - 323 Stickney Ave. Lyons, CO 80540
Date: Monday, August 29, 2022 1:54:40 PM

FYI,

Best,
Ethan

-----Original Message-----

From: Ask A Planner <no-reply@wufoo.com>
Sent: Monday, August 29, 2022 1:52 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Ask a Planner - Elysa Firestone - SU-22-003 - 323 Stickney Ave. Lyons, CO 80540

Boulder County Property Address : 323 Stickney Ave. Lyons, CO 80540 If your comments are regarding a specific Docket, please enter the Docket number: SU-22-003

Name: Elysa Firestone

Email Address: elysa@350Colorado.org

Please enter your question or comment: urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Monday, August 29, 2022 3:34:49 PM

Another one

Sam

-----Original Message-----

From: karo4885@everyactioncustom.com <karo4885@everyactioncustom.com>
Sent: Monday, August 29, 2022 2:05 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Katie Rodriguez
Boulder, CO 80303
karo4885@colorado.edu

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] No to CEMEX Lease Extension
Date: Monday, August 29, 2022 3:57:44 PM

FYI,

Best,
Ethan

From: Michaela Diamond <michaeladiamond@rocketmail.com>
Sent: Monday, August 29, 2022 3:57 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] No to CEMEX Lease Extension

To the Boulder County Planner and Commissioners,

I am a Longmont resident who frequently recreates in the Lyons area. I strongly oppose the 15 year extension on CEMEX's lease at the Dowe Flats mine. From the top of Rabbit Mountain, there is a visible scar that will only continue to worsen if allowed to deepen and erode over another 15 years. The mining and cement production does not align with Section 4 of the Boulder Valley Comprehensive Plan which aims to reduce greenhouse gas emissions. The plant emits 357,000 tons of CO2 annually. We need to eliminate carbon emissions as soon as possible, and this extension would greatly undermine efforts in the surrounding communities to do so.

Additionally, cement production will continue to use vast quantities of water ([link here](#)) in a time when water availability is a growing concern in our community ([article on Firestone's limited water supply](#)).

Even if CEMEX promises to grant open space purchase options, the options may not be worth much if the landscape is ravaged. Could that land be converted to open space now if CEMEX is no longer there?

Respectfully,

Michaela Diamond Normile

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Monday, August 29, 2022 4:06:03 PM

FYI,

Best,
Ethan

-----Original Message-----

From: sharon120947@everyactioncustom.com <sharon120947@everyactioncustom.com>
Sent: Monday, August 29, 2022 1:58 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Ms. Sharon Woodworth
Boulder, CO 80304
sharon120947@aol.com

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Monday, August 29, 2022 4:14:18 PM

FYI

Best,
Ethan

From: Deirdre Sturm <dsturm744@gmail.com>
Sent: Monday, August 29, 2022 4:13 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Planner,

I am very concerned about the continuing decrease in air quality in Boulder County and the Cemex plant in Lyons is our number one polluter endangering the health and safety of everyone in the county.

As you may or may not be aware, Boulder County's #1 polluter, CEMEX, is **applying for an additional 15 years of mining** at their Dowe Flats mine near Lyons, which is set to expire next month. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

Please make sure all concerns are addressed before voting to approve extension. Or don't approve the extension so the plant shuts down and we can improve our air quality that way. Do not let it go through without additional limits on the amount of pollution they put into our air.

Thanks,
Deirdre Sturm
607 Emery Street Longmont 80501

--

Deirdre Hickey Sturm
Board Certified Behavior Analyst
Speech Language Pathologist

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Monday, August 29, 2022 4:28:52 PM

FYI

Best,
Ethan

-----Original Message-----

From: eagle3220@everyactioncustom.com <eagle3220@everyactioncustom.com>
Sent: Monday, August 29, 2022 4:21 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Robyn L Sloan
Lyons, CO 80540
eagle3220@aol.com

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Monday, August 29, 2022 4:31:19 PM

FYI

Best,
Ethan

-----Original Message-----

From: drichards1830@everyactioncustom.com <drichards1830@everyactioncustom.com>
Sent: Monday, August 29, 2022 4:30 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Dana Richards
Lyons, CO 80540
drichards1830@gmail.com

From: RCargill@aol.com
To: [L"Orange, Pete; Case, Dale](#)
Cc: [Boulder County Board of Commissioners](#)
Subject: [EXTERNAL] URGENT! Importation of Cemex raw materials by truck
Date: Monday, August 29, 2022 4:48:02 PM

Re: Comments for Planning Commission Pubic Hearing, September 1, 2022

Importation of Cemex raw materials by truck:

Is it economically viable for Cemex to import 100% of its raw materials? How has this been substantiated? Was a professional analysis performed?

The question as to the economic viability of Cemex importing 100% of its annual raw material requirements (estimate at more than 500,000 tons per year) by truck on Highway 66 is of fundamental importance in the determination of which of Cemex's two possible directions (continue mining locally or cease mining and import by truck) will have the least enviromental, social, cultural impact on north Boulder County and surrounding regions.

It would be prudent and advisable to have in attendance during the September 1 meeting a staff member fluent and skilled in economic analysis who can question, assess and pursue Cemex and its statement/response to all questions posed by the County and public regarding economics.

Richard Cargill
5976 Hygiene Road
Longmont 80503

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Monday, August 29, 2022 4:50:48 PM

@L'Orange, Pete
Fyi
bbg

-----Original Message-----

From: accountforantispam@everyactioncustom.com <accountforantispam@everyactioncustom.com>
Sent: Monday, August 29, 2022 4:37 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
John Bigger
Lyons, CO 80540
accountforantispam@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Monday, August 29, 2022 4:55:24 PM

@L'Orange, Pete

Fyi

bbg

-----Original Message-----

From: pattyayala29@everyactioncustom.com <pattyayala29@everyactioncustom.com>

Sent: Monday, August 29, 2022 4:51 PM

To: LU Land Use Planner <planner@bouldercounty.org>

Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to APPROVE the extension of CEMEX's permit for 15 years and to not consider the requests of some of the Lyons town people who are more concerned about obtaining the land for their personal biking and hiking expeditions when they already have Hall, Heil and Rabbit Mountain Open Space. My understanding is that CEMEX is offering land for that now.

This mine and plant is Lyons #1 employer and provides hundreds of workers that are skilled specific to the plant that will not find work like this in this area. While the plant provides work, it is to a lot of uneducated employees that have been trained specifically for their jobs there. To lose those jobs would be detrimental to the county and state and will put these people on public and county assistance and all they want to do is work and make their own way.

I agree with Boulder County Planning Staff's recommendation that you approve the application for extension and disregard the comments from the Town of Lyons entirety.

I have lived in Lyons for 48 years and I've never felt this plant to be detrimental to our living. The plant does great things for our community and provides assistance to our town when needed. I have raised three generations here and all of us feel that the plant is necessary, and should be allowed the extension.

I ask you to please APPROVE the permit and keep these people working.

Sincerely,
Patty Ayala
Lyons, CO 80540
pattyayala29@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Monday, August 29, 2022 5:57:05 PM

@L'Orange, Pete

-----Original Message-----

From: tlstjohn@everyactioncustom.com <tlstjohn@everyactioncustom.com>
Sent: Monday, August 29, 2022 5:03 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Toni St John
Lyons, CO 80540
tlstjohn@hotmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Monday, August 29, 2022 5:57:14 PM

@L'Orange, Pete

-----Original Message-----

From: averyoatman@everyactioncustom.com <averyoatman@everyactioncustom.com>
Sent: Monday, August 29, 2022 5:10 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Miss Avery Oatman
Longmont, CO 80504
averyoatman@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Monday, August 29, 2022 5:57:22 PM

@L'Orange, Pete

-----Original Message-----

From: angela@everyactioncustom.com <angela@everyactioncustom.com>
Sent: Monday, August 29, 2022 5:17 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Angela Aaron
Boulder, CO 80302
angela@onesmallplanet.org

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Monday, August 29, 2022 5:57:32 PM

@L'Orange, Pete

-----Original Message-----

From: asa@everyactioncustom.com <asa@everyactioncustom.com>
Sent: Monday, August 29, 2022 5:26 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Asa Firestone
Lyons, CO 80540
asa@a-lodge.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Monday, August 29, 2022 5:57:43 PM

@L'Orange, Pete

-----Original Message-----

From: sallyblaser108@everyactioncustom.com <sallyblaser108@everyactioncustom.com>
Sent: Monday, August 29, 2022 5:29 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Sally Blaser
Lafayette, CO 80026
sallyblaser108@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Monday, August 29, 2022 5:57:56 PM

@L'Orange, Pete

-----Original Message-----

From: jojo1952@everyactioncustom.com <jojo1952@everyactioncustom.com>
Sent: Monday, August 29, 2022 5:44 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Joanne Farmer
Lyons, CO 80540
jojo1952@live.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Tuesday, August 30, 2022 7:12:14 AM

@L'Orange, Pete

-----Original Message-----

From: erinoes@everyactioncustom.com <erinoes@everyactioncustom.com>
Sent: Monday, August 29, 2022 6:02 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Erin Donnelly
Lyons, CO 80540
erinoes@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Tuesday, August 30, 2022 7:12:27 AM

@L'Orange, Pete

-----Original Message-----

From: lumu5742@everyactioncustom.com <lumu5742@everyactioncustom.com>
Sent: Monday, August 29, 2022 6:35 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Luis Munoz
Boulder, CO 80003
lumu5742@colorado.edu

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Tuesday, August 30, 2022 7:12:37 AM

@L'Orange, Pete

-----Original Message-----

From: donnalcsw@everyactioncustom.com <donnalcsw@everyactioncustom.com>
Sent: Monday, August 29, 2022 7:07 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Ms Donna Daniell
Longmont, CO 80504
donnalcsw@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Tuesday, August 30, 2022 7:12:52 AM

@L'Orange, Pete

-----Original Message-----

From: pmcnichol48@everyactioncustom.com <pmcnichol48@everyactioncustom.com>
Sent: Monday, August 29, 2022 9:02 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Mrs. Patricia McNichol
Lyons, CO 80540
pmcnichol48@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Tuesday, August 30, 2022 7:13:05 AM

@L'Orange, Pete

-----Original Message-----

From: harmonize@everyactioncustom.com <harmonize@everyactioncustom.com>
Sent: Monday, August 29, 2022 9:30 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. We were promised 20 years ago that Cemex would terminate its operation in 2022! The request to extend the application and continue operation is disingenuous, in bad faith, and dangerous to our health and the environment. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Cathy Rivers
Lyons, CO 80540
harmonize@colorworks7.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Tuesday, August 30, 2022 7:13:23 AM

@L'Orange, Pete

-----Original Message-----

From: laureloha@everyactioncustom.com <laureloha@everyactioncustom.com>
Sent: Monday, August 29, 2022 10:46 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Laurel Haucj
Longmont, CO 80504
laureloha@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Tuesday, August 30, 2022 7:13:39 AM

@L'Orange, Pete

-----Original Message-----

From: kathykerr@everyactioncustom.com <kathykerr@everyactioncustom.com>
Sent: Monday, August 29, 2022 11:06 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

I'm sick and tired of CEMEX spewing pollution and Co2 in this high population area. I live in Lyons and am affected by CEMEX pollution every single day, 24/7. It's time for Cenex to move on.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Mrs Kathryn Kerr
Lyons, CO 80540
kathykerr@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Tuesday, August 30, 2022 7:13:52 AM

@L'Orange, Pete

-----Original Message-----

From: stephen.g.dalton@everyactioncustom.com <stephen.g.dalton@everyactioncustom.com>
Sent: Monday, August 29, 2022 11:10 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Mr. Stephen Dalton
Lyons, CO 80540
stephen.g.dalton@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Tuesday, August 30, 2022 7:14:14 AM

@L'Orange, Pete

-----Original Message-----

From: braedenmiguel@everyactioncustom.com <braedenmiguel@everyactioncustom.com>
Sent: Tuesday, August 30, 2022 12:40 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

Concrete emissions accounts for 8% of all US emissions and a 15 year permit while the world creates less intense alternatives is bad business and bad for Boulder and the Environment. I urge the committee to not accept a 15 year proposal to pollute our air in the front range (and listen to community health experts!). Urge change and at least a permit of only 2 years while looking at alternative carbon sequestering concrete for local supply.

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Braeden Miguel
Highlands Ranch, CO 80129
braedenmiguel@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Tuesday, August 30, 2022 7:14:26 AM

@L'Orange, Pete

-----Original Message-----

From: lrtempleton@everyactioncustom.com <lrtempleton@everyactioncustom.com>
Sent: Tuesday, August 30, 2022 3:42 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Linda Templeton
Lyons, CO 80540
lrtempleton@prodigy.net

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Tuesday, August 30, 2022 7:14:48 AM

@L'Orange, Pete

-----Original Message-----

From: janebehr316@everyactioncustom.com <janebehr316@everyactioncustom.com>
Sent: Tuesday, August 30, 2022 5:03 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Mrs. Shelby Behr
Arvada, CO 80004
janebehr316@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Tuesday, August 30, 2022 7:15:02 AM

@L'Orange, Pete

-----Original Message-----

From: ba262@everyactioncustom.com <ba262@everyactioncustom.com>
Sent: Tuesday, August 30, 2022 5:48 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Beth Abbott
Lyons, CO 80540
ba262@live.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Tuesday, August 30, 2022 7:15:15 AM

@L'Orange, Pete

-----Original Message-----

From: marycolleenjonesfarm@everyactioncustom.com <marycolleenjonesfarm@everyactioncustom.com>
Sent: Tuesday, August 30, 2022 6:18 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Mary Jones
Longmont, CO 80503
marycolleenjonesfarm@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Tuesday, August 30, 2022 7:35:10 AM

@L'Orange, Pete

-----Original Message-----

From: macp2006@everyactioncustom.com <macp2006@everyactioncustom.com>
Sent: Tuesday, August 30, 2022 7:27 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

I live east of this plant and continually experience breathing complications due to this plant emissions.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Juan Contreras
Longmont, CO 80503
macp2006@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Tuesday, August 30, 2022 7:35:20 AM

@L'Orange, Pete

-----Original Message-----

From: eastla.anna01@everyactioncustom.com <eastla.anna01@everyactioncustom.com>
Sent: Tuesday, August 30, 2022 7:34 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Eliza Eastland
Longmont, CO 80503
eastla.anna01@svvsd.org

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Tuesday, August 30, 2022 7:54:25 AM

@L'Orange, Pete

-----Original Message-----

From: bravardjane@everyactioncustom.com <bravardjane@everyactioncustom.com>
Sent: Tuesday, August 30, 2022 7:51 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Jane Bravard
Lyons, CO 80540
bravardjane@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Tuesday, August 30, 2022 8:33:33 AM

@L'Orange, Pete

-----Original Message-----

From: lowellgregory@everyactioncustom.com <lowellgregory@everyactioncustom.com>
Sent: Tuesday, August 30, 2022 8:31 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to grant the extension of CEMEX's permit for 15 years.

It is clear that should the permit be denied that CEMEX will continue to operate, but will import materials from out of state at a high environmental cost (transportation via truck and rail). So, in addition to the plant emissions there will be an added environmental impact.

The market for cement will not diminish just because the mining permit is denied. The business is too lucrative to cease operation.

The 15 years also provide a date certain for the plant's closing and adds acreage to Boulder County Open Space.

I agree with Boulder County Planning Staff's recommendation that we accept the application for extension.

I urge you to APPROVE the permit.

Sincerely,
greg lowell
Lyons, CO 80540
lowellgregory@gmail.com

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Tuesday, August 30, 2022 9:04:19 AM

-----Original Message-----

From: rheadavenport@everyactioncustom.com <rheadavenport@everyactioncustom.com>
Sent: Tuesday, August 30, 2022 8:48 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Rhea Davenport
Greeley, CO 80634
rheadavenport@vt.edu

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Tuesday, August 30, 2022 12:46:50 PM

-----Original Message-----

From: aliciamariemcintyre@everyactioncustom.com <aliciamariemcintyre@everyactioncustom.com>
Sent: Tuesday, August 30, 2022 12:13 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Alicia Marie McIntyre
Boulder, CO 80303
aliciamariemcintyre@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Tuesday, August 30, 2022 1:46:22 PM

[@L'Orange, Pete](#)

From: Kayann Short <kshort@greenspeedisp.net>
Sent: Tuesday, August 30, 2022 1:36 PM
To: LU Land Use Planner <planner@bouldercounty.org>; Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planning Commission,

As property owners and organic farmers on Highway 66, we oppose the extension of the Dowe Flats permit for Cemex. The time has come for the plant to cease operations in Boulder County.

Our farm, Stonebridge, was established as a dairy farm in the early 1900s. Cows were milked by hand in the barn and the milk cans collected by horse-drawn wagon traveling along the old Ute Highway.

But times change. Highway 66 is now one of the busiest, and most dangerous, roads in the county. Those of us who live along the highway have contended with cement transport and supply trucks at the Cemex plant for far too long. The noise, truck dust, lights, and emissions from the plant reduce the quality of our lives on a daily basis. Attempts to improve these problems can only be met with band-aid solutions. The extension of Dowe Flats is not what the community expects or desires.

Just as horse-drawn milk wagons no longer make sense for our farm, Cemex's production and extraction operations no longer make sense for Boulder County. We don't want to wait another fifteen years for the plant to shut down. It's time for the county to require Cemex to begin decommissioning its quarries and plant with the expiration of the Dowe Flats permit.

Thank you,
Kayann Short and John Martin
Stonebridge Farm

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Tuesday, August 30, 2022 2:57:26 PM

From: Penn Richmann <penn.richmann@gmail.com>
Sent: Tuesday, August 30, 2022 2:56 PM
To: LU Land Use Planner <planner@bouldercounty.org>; Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Please deny CEMEX's application to extend their mining operations in Boulder County's . CEMEX is responsible for the release of 357,000 tons of CO2 annually. Allowing the continuation of CEMEX's operation is contrary to our goals as a community to fight climate change. Millions of tax dollars are spent each year to reduce greenhouse gas in Boulder County, and this one action could have the more impact on reducing climate change than all other efforts that Boulder County and the other municipalities in the county have planned.

Each day brings more terrible news regarding climate change: mega droughts in the Southwest, flooding in Mississippi, record extreme temperatures in England, drought in Italy and people dying from extreme heat all across the US.

We must take every opportunity to stop the emission of greenhouse gases. You as our elected leaders must act now.

Sincerely,
Penn Richmann
3821 Silver Plume Circle
Boulder, CO 80305

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003 - Cemex application public feedback
Date: Tuesday, August 30, 2022 1:55:49 PM

From: Mike Goicoechea <mikeg@motorcloud.com>
Sent: Tuesday, August 30, 2022 1:55 PM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>; LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003 - Cemex application public feedback

Boulder Planning Committee and Staff,

I know you have a big decision on the Cemex mining application review. As I stated in the last meeting I feel strongly that [Boulder County is the beacon for environmental leadership](#) that towns all over the country look up to. We must **REJECT the CEMEX application** to hit our climate goals.

We have a legacy to preserve. We must give environmental hope to communities all over the country. Think of cities like Boise, Bozeman, Salt Lake City, Cheyenne, Colorado Springs, Fort Collins, Durango. Think about how they revere Boulder for land conservation, recycling programs, and climate initiatives. [Think of all of your constituents and their core values.](#) How would they vote when given the opportunity to take action to shut down the county's largest polluter and reclaim the land per our original contract? Think of the people in Lyons and what they want.

Yes, cement requires very high temperatures to manufacture, but Cemex already has solutions that are far more efficient than the outdated Lyons plant. Do not enable them to use less efficient means of production by granting them more time for an already depleted mine. Remember when the mine manager stated, "We are currently trucking outside loads to supplement production, because the quality of the mine has deteriorated."

Cemex is a leader in sustainable solar cement production ... Give them special permits for a solar plant :) or transform the mine into the largest solar farm in our county.

<https://www.cemex.com/-/cemex-and-synhelion-achieve-breakthrough-in-cement-production-with-solar-energy>

"The production of the first solar clinker is an exciting milestone for this transformational technology. It is proof of our commitment to deliver tangible outcomes through innovation to achieve our goal of delivering only net-zero CO₂ concrete by 2050," said Fernando A. Gonzalez, CEO of CEMEX. "CEMEX is building a better future, and that future must be sustainable."

It is time to evoke the pioneering spirit of the OG Boulder planners of the 70's and 80's, take risks, push the envelope to inspire our children and peers that together we can build better communities. We have one of the most dynamic and desirable counties in the nation, because of your predecessors. We owe it to them to honor their legacy and shut this mine down!

Most importantly, this is YOUR legacy and our legacy as citizens. Do you want to live like a Texan or a Boulderite? .. you know how I feel.

Thanks for your thousands of hours of hard work on our behalf,

Mikel Goicoechea

291 Canon View
Boulder, CO 80303

From: [ANDREA BIRKBY](#)
Cc: [Malinowski, Joe](#); [Hoefler, Gabi](#); david.huber@state.co.us; shannon@kgnu.org; congressmanjoeneguse@mail.house.gov; [Case, Dale](#); [Glowacki, Therese](#); [L"Orange, Pete](#); mbennett@prairiemountainmedia.com; booth@coloradosun.com; hrogin@townoflyons.com; lorang.sarah@gmail.com
Subject: [EXTERNAL] Re: letter to planning commission
Date: Tuesday, August 30, 2022 5:31:00 PM

Dear Boulder County Planners and Commissioners,

I am writing to you to ask you to please prevent Cemex from getting any extension on their permits. I live on Hygiene Road very close to the plant and have noticed in the one year I have been here, decreased air quality. This plant is impacting our environment, something Boulder County is known to cherish. The air and the noise and even eyesight pollution, detract from what is otherwise a tranquil bit of heaven. There are dozens of birds and amphibians and other types of wildlife (besides human beings) that depend on this area to live and survive. This is literally an unclean situation and extending the permit for any reason contributes to that. Thank you for your consideration.

Andrea Birkby

From: RCargill@aol.com <rcargill@aol.com>
Sent: Tuesday, August 30, 2022 2:37 PM
To: RCargill@aol.com <rcargill@aol.com>
Cc: jmalinowski@bouldercounty.org <jmalinowski@bouldercounty.org>; ghoefler@bouldercounty.org <ghoefler@bouldercounty.org>; david.huber@state.co.us <david.huber@state.co.us>; shannon@kgnu.org <shannon@kgnu.org>; congressmanjoeneguse@mail.house.gov <congressmanjoeneguse@mail.house.gov>; suecass@comcast.net <suecass@comcast.net>; dcase@bouldercounty.org <dcase@bouldercounty.org>; tglowacki@bouldercounty.org <tglowacki@bouldercounty.org>; plorange@bouldercounty.org <plorange@bouldercounty.org>; mbennett@prairiemountainmedia.com <mbennett@prairiemountainmedia.com>; booth@coloradosun.com <booth@coloradosun.com>; sdcmc@infionline.net <sdcmc@infionline.net>; hrogin@townoflyons.com <hrogin@townoflyons.com>; lorang.sarah@gmail.com <lorang.sarah@gmail.com>; info@350colorado.org <info@350colorado.org>; hunterlovins@gmail.com <hunterlovins@gmail.com>
Subject: Fwd: letter to planning commission

At Kayann's invitation, I am sharing her letter with you, and invite you to share it with others in our community.

Thank you Kayann for expressing what so many of us are feeling! "The extension of Dowe Flats is not what the community expects or desires."

Richard

-----Original Message-----

From: Kayann Short <kshort@greenspeedisp.net>

To: Richard Cargill <RCargill@aol.com>

Sent: Tue, Aug 30, 2022 1:36 pm

Subject: letter to planning commission

Hi Richard—Just sent this letter. Feel free to share with whomever you like.

Dear Boulder County Planning Commission,

As property owners and organic farmers on Highway 66, we oppose the extension of the Dowe Flats permit for Cemex. The time has come for the plant to cease operations in Boulder County.

Our farm, Stonebridge, was established as a dairy farm in the early 1900s. Cows were milked by hand in the barn and the milk cans collected by horse-drawn wagon traveling along the old Ute Highway.

But times change. Highway 66 is now one of the busiest, and most dangerous, roads in the county. Those of us who live along the highway have contended with cement transport and supply trucks at the Cemex plant for far too long. The noise, truck dust, lights, and emissions from the plant reduce the quality of our lives on a daily basis. Attempts to improve these problems can only be met with band-aid solutions. The extension of Dowe Flats is not what the community expects or desires.

Just as horse-drawn milk wagons no longer make sense for our farm, Cemex's production and extraction operations no longer make sense for Boulder County. We don't want to wait another fifteen years for the plant to shut down. It's time for the county to require Cemex to begin decommissioning its quarries and plant with the expiration of the Dowe Flats permit.

Thank you,

Kayann Short and John Martin

Stonebridge Farm

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] NO MORE CEMEX
Date: Wednesday, August 31, 2022 8:26:43 AM

@L'Orange, Pete

-----Original Message-----

From: Sage Hamilton <sagewaye@gmail.com>
Sent: Wednesday, August 31, 2022 8:26 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] NO MORE CEMEX

I'M WORKING - CAN'T BE AT MEETING - HOPE MY VOICE IS HEARD.....PLEASE SAY NO TO CEMEX AND YES!!!! TO THE ENVIRONMENT. Sage Hamilton, Boulder, Colorado 80304 since 1987 -

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 8:26:59 AM

[@L'Orange, Pete](#)

From: Hunter Lovins <hlovins@natcapsolutions.org>
Sent: Tuesday, August 30, 2022 8:55 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Please deny the proposed permit for Cemex to extend their mining operations at Dowe Flats.

CEMEX has failed to show that its application is in conformity with the Boulder Comprehensive plan, or even that it meets the criteria set forth by the Planning commission for approval. In particular, the criteria in Special Review items #3, #8, and #10 can not be met. **The Lyons Quarry can NOT continue to operate independently of the Dowe Flats quarry with their current state permit, M-1977-208.** In order for CEMEX to operate the Lyons cement plant without Dowe Flats, the following things must happen: 1) DRMS provides an updated M1977208 permit to change the source location; 2) CDOT provides the appropriate access permits; 3) CDPHE ultimately processes and approves the Title V operating permit renewal; 4) The financial profile of operating indefinitely is superior to the financial profile of shutting everything down and selling assets. In his Supplemental Memo, Mr. L'Orange asserts, "As a legally nonconforming use, the Lyons Quarry can continue to operate independently of the Dowe Flats quarry." Mr. L'Orange may think this true, **but it is an error of law to not take into account CEMEX's failure to acquire the proper permits.** Without the mine CEMEX cannot continue operations.

Please see: **DRMS Emails:**

<https://static1.squarespace.com/static/6299fc89866f6c66caa2011d/t/62fd3f1557a1c55b64acb927/1660763926022/Amy+Email+1+-+Question+on+M1977-208+Inspection+Report+%281%29.pdf>

Cemex is threatening that if they are not granted this new permit, they will continue 'indefinite operations' of the cement plant, while if the county grants them 15 more years, they will then, maybe, cease operations (although they could just as well shift to some other industrial use.) This is not a viable threat. **County Staff did not adequately fact check the claim of indefinite operations by CEMEX** during negotiations or when issuing draft recommendations. It is patently obvious that doing so is simply not economically viable, or Cemex would not be seeking this new permit.

This situation also makes it clear that the plant MUST be considered when discussing the environmental impact of Dowe Flats. Planning Staff contradicts themselves on this point multiple

times in their Supplemental Memo. See **Financial Models**:

https://docs.google.com/spreadsheets/d/1S-aQWmqPjTSzMad9n-3ybdKi0cEpRdn_ODVmJJOeSb0/edit#gid=0

showing the unviability of what CEMEX is threatening to do.

It is critical that you honestly address the plant's enormous emissions and that the ultimate cost to our community. An additional 15 years of operations will impose a cost of \$250M (based on EPA's social cost of carbon). **Title V (EPA Clean Air act) administered by the state, permit seems to have lapsed. They have gone unmonitored for 16 months** now and continue to be the **#1 highest CO2 emitter in Boulder County and the 5 surrounding counties**. Cemex is also the **number 4 highest emitter of CO2 in Colorado. The Lyons plant it outdated, having been constructed in the 1960's. They are operating under "grandfathered" permits that normally would not be allowed.**

Boulder has set a sustainability goal of cutting CO2 emissions 45% of 2005 levels by 2030 in line with the Paris Climate Accords. Cemex emits over **350,000 tons of CO2/year, burning 7 tons of coal/hour during its operations In 2020 it was 468,000 tons..** This is inconsistent with Boulder County's sustainability Plan as well as commitments by Colorado, and the United States.

It is also important that you evaluate **how CEMEX behaves as a corporate citizen of our community**. The summary of The Colorado Department of Public Health and Environment's (CDPHE) enforcement history with CEMEX shows that they have been the subject of 12 formal enforcement actions by the Air Pollution Control Division (APCD) since 2000, 5 of these in the last 5 years (see details below). In addition, there is an additional formal enforcement action by APCD which is still pending. Case No. 2021-077 Continuous Emissions Monitoring Systems (CEMS) downtime; Opacity violation (kiln & clinker cooler); Monitoring, Recordkeeping & Reporting issues. CEMEX was given a \$40,250 penalty. Case No. 2020-036 Failed to conduct timely VOC testing; Failed to operate power sweeper on two days; Failed to complete required QA/QC actions for THC CEMS; Dust plume observed (from points associated with kiln/clinker cooler), violating requirement to operate in a manner with good air pollution control practices; Monitoring & Reporting issues. CEMEX was given a \$42,000 penalty. Case No. 2019-197 September & October 2019 stack testing; Failed to conduct timely dioxin/furan testing on the kiln. CEMEX was given a \$5,250 penalty. Case No. 2019-158 Significant dust emissions from the clinker transport elevator and drag chains from a process, violating requirement to operate the process' baghouses in accordance with good air engineering practices. CEMEX was given a \$7,000 penalty. Case 2019-021 Opacity from the kiln; Failure to operate and maintain a baghouse in accordance with manufacturer's specifications and/or good engineering practices; Failure to operate the plant water truck on two dates in Jan 2018; Failure to operate the power sweeper for 2 hours on one date in March 2017; Failure to ensure carbon & lime injection system was operating when temperatures reached trigger point on one date in July 2017; Monitoring, Recordkeeping & Reporting issues. CEMEX was given a \$35,000 penalty. A note from APCD Staff: "Historically, there have been regular complaints about Cemex from nearby residents. Most of these complaints are related to fugitive dust from the plant and/or associated quarry. Some years APCD/Boulder County receive more complaints than others. For example, 2022: 4 complaints (to date); 2021: 16 complaints; 2020: 4 complaints; and 2019: 16 complaints." **CEMEX's Plant Manager, Erik Estrada, has said to members of the community that it makes more financial sense for CEMEX to pay the fines for their environmental violations than to fix the issues.**

It is long past time to shut down this non-conforming use. Michael Clausen of CEMEX has said, in various contexts, that the plant "would never do anything that would risk its permits," referencing the plant's legal nonconforming status. And any improvements or accessories added would trigger a County review of the plant's nonconforming status, thus risking its permits altogether. **CEMEX literally does the bare minimum required as it pertains to protecting public health. This clearly does not include protecting the public health at all. Paying the fine does not keep the fugitive dust or CO2 out of our lungs.**

Boulder County Public Health Department requested that conditions be added to protect public health. These were disregarded in their entirety in the Planning Staff's draft recommendation. Staff

used the legally false reasoning that plant upgrades should be omitted from conditions to the application, despite including the plant themselves multiple times in their Supplemental Memo for reasoning to support the application. The public health impact of this application prohibits the criteria in Special Review Items #3 (BCCP Policy PH 1.01) #8, and #10 from being met. CEMEX's attitude is not limited to the plant, but also to the quarry. Is the County really okay with another 15 years of this rogue corporation which does not care about the people in its community at all? I am not, and I ask you to end this farce.

Please deny this permit. Please stand for the health of the citizens of Boulder County, especially those of us who must live within sight of this polluting plant.

Sincerely,

L. Hunter Lovins
President
Natural Capitalism Solutions
hlovins@natcapsolutions.org
(970) 948-0078 mobile

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From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 8:27:18 AM

@L'Orange, Pete

-----Original Message-----

From: elisabethsfisher@everyactioncustom.com <elisabethsfisher@everyactioncustom.com>
Sent: Tuesday, August 30, 2022 9:19 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Elisabeth Fisher
Erie, CO 80516
elisabethsfisher@gmail.com

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 9:51:43 AM

From: Rene Doubleday <doubleday.rene@gmail.com>
Sent: Wednesday, August 31, 2022 9:49 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

As a commercial land owner in the Lyons Eastern Corridor, I believe the extension of the Dowe Flats mining permit is in direct conflict with the Boulder County Comprehensive Plan as outlined below:

<i>Policy EC 2.01: County Regulations and Decision Making</i>	<i>Boulder County will develop and implement economic-related regulations and decision making that aligns with the County's values.</i>	As indicated by the Town of Lyons in their referral response to this application, an extension of the Dowe Flats Mine puts the development of Lyons' Eastern Corridor in grave jeopardy. The Eastern Corridor is part of a strategic growth plan for the Town of Lyons to generate much-needed tax revenue to support the Town. In addition, the deal that Parks and Open Space struck largely violates the spirit of the 2012 IGA with the Town of Lyons, which was also crafted to support urban development and growth for the Town. By delaying these much needed development opportunities for the Town, the County is essentially using regulations and decision making to stall economic growth.
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I respectfully request that the Commissioners **DENY** this application.

Rene Doubleday
4651 - 4652 Ute Hwy
Lyons, CO
303-884-8158

From: [Sarah Lorang](#)
To: [LU Land Use Planner](#)
Cc: [Boulder County Board of Commissioners](#); [Glowacki, Therese](#); [Case, Dale](#); [L"Orange, Pete](#); [congressmanjoeneguse@mail.house.gov](#); [!CountyAttorney](#); [dvasquez@townoflyons.com](#); [Hollie Rogin](#); [Victoria Simonsen](#); [Michael Booth](#); [Matthew Bennett](#); [Shannon Young](#); [Rossana Longo-Better](#); [Bart Lorang](#)
Subject: [EXTERNAL] SU-22-0003 - Letter and Supporting Documents
Date: Wednesday, August 31, 2022 10:10:37 AM
Attachments: [SU-22-0003 - Letter from Sarah Lorang 8.31.22.pdf](#)
[SU-22-0003 BCCP Compliance 8.31.22.pdf](#)
[SU-22-0003 Special Review Criteria Compliance 8.31.22.pdf](#)

Dear Planning Commission,

Please find my response to the Planning Staff's Supplemental Memo in the attached letter.

I have also attached my personal assessment of the Special Review Criteria for this application, as well as my interpretation of this application's compliance with the Boulder County Comprehensive Plan (Special Review Criteria item #3). I strongly believe that 11 of the 13 criteria cannot be met. Additionally, I have identified at least 29 policies in the Boulder County Comprehensive Plan that I find this application to be in direct conflict with.

Thank you for your time.

Sincerely,
Sarah Lorang

--

Sarah Lorang
Cell: 303-476-0089
Email: lorang.sarah@gmail.com

August 31, 2022

To the Boulder County Planning Commission:

My name is Sarah Lorang, and I live at 12800 Foothills Highway. I am writing in regard to SU-22-0003, specifically the Supplemental Memo to Staff Recommendation provided by Planning Staff on August 26th.

I would like to voice my serious concerns about Planning Staff's interpretation of the Special Review Criteria and the Boulder Comprehensive Plan, and also their application of these policies as it relates to SU-22-0003. I think it is important to note that I have personally spent HUNDREDS of hours combing through every document related to Dowe Flats, Lyons Quarry, this application, Planning Staff's Draft Recommendation, Planning Staff's Supplemental Memo, and the laundry list of environmental violations against CEMEX Lyons (which would be entertaining reading akin to *The Office* if it wasn't so disturbing). I've also had the pleasure of becoming intimately familiar with the cement industry and its latest technology, fully understanding the extreme environmental impact of 357,000 tons of annual CO2 emissions, policies and procedures within our State Mining Division, Boulder County Land Use Codes, and the Boulder County Comprehensive Plan. I add all of that because I am just a regular citizen. A citizen with young children who consume a lot of my time. I don't work in the environmental conservation industry. I have no background in government. I'm not even necessarily against mining or cement in general, and I have never really taken an interest in local government and politics before this. I am far more informed about this than I ever wanted to be, but with every page I read, the more upset I became. So I kept reading.

If there is a headline to what you are about to read from me, it is this: This application very objectively does not meet roughly 11 of the 13 Special Use Review Criteria. Planning Staff's interpretation in the Draft Recommendation and Supplemental Memo read as though someone told them to make the case for approval, and stretch the truth or misapply policies however needed. Staff uses rationale that results in errors of law, repeatedly contradicts themselves with logic used, fails to show any due diligence or effort to disprove 'assumptions', and blatantly disregards the spirit of many of the policies they use in an attempt to support various criteria. It is clear to me that Boulder County staff is optimizing this transaction to gain certainty on acquiring purchase options for the CEMEX land south of Highway 66 to complete Ron Stewart's Open Space legacy at the extreme expense of Boulder County's climate goals and public health. I find this absolutely unconscionable.

Before I address Mr. L'Orange's Supplemental Memo, please see my attached assessment of the Special Review Criteria for this application, as well as my interpretation of this application's compliance with the Boulder County Comprehensive Plan (Special Review Criteria item #3). As I mentioned above, I strongly believe that 11 of the 13 criteria cannot be met. Additionally, I have identified at least 29 policies in the Boulder County Comprehensive Plan that I find this application to be in direct conflict with. I've actually found more since compiling my list, but I'm just tired of typing at this point.

1) The legal nonconformity of the operations at the Lyons Quarry Site

Response to Planning Staff Supplemental Memo #1:

Staff references Article 4-1003.B to support the argument that the non-conforming status of the plant means it can be used indefinitely. However, other **relevant sections of 4-1000 should be taken into account, including, but not limited to, Article 4-1001.A which states 1. "Nonconforming uses and structures should be brought to conforming status as speedily as justice will permit", and 2. "this Article shall be strictly construed against the continuation or expansion of nonconformity in Boulder County," in addition to Article 4-1003.C, which prohibits additional accessory structures, public nuisances, and hazards or threatened hazards on or off the property.**

Given that the plant at Lyons Quarry has been in a legal non-conforming status since 1994 ("Mining, Mineral Processing, Cement Plant, Cement Processing, Kin Dust Collector, Kiln Dust Bin") , it is improbable to believe that CEMEX has not added accessories or altered their non-conforming use or structures (as described in Article 4-1003.C) in the past 28 years. It is Boulder County's obligation to bring nonconforming uses and structures to conforming status as speedily as justice will permit. There are 16 approved technical revisions to the M1977208 permit, many of which discuss new accessory structures (pipes, wells, pumps, acid storage tanks, injection systems) as well as disposal of potentially hazardous CKD in Pit-C, which caused real hazards to Waterfowl (covered by TR-8 & TR-9) as well as the need for groundwater monitoring and compliance wells to be built to ensure the CKD wasn't causing harmful groundwater effects. Other examples of accessories or alterations include the conveyor running from Dowe Flats and encroaching into the Plant site itself, an obvious accessory to the plant's nonconforming use, the addition of truck wash, and the change of their exterior lights which caused noteworthy light pollution and public outrage. All of these have occurred after 1994. Has Boulder County conducted a thorough review of all of these alterations and accessory structures to bring this structure to conforming status and require a Special Use Review? **Boulder County Land Use has erred in not requiring a Special Use Permit for the Lyons Quarry and the Cement Plant, as there is ample evidence for triggering of the conditions in 4-1003.C.**

Here is a matrix outlining potential nonconforming events and which section of the Land Use Code could be the trigger:

https://docs.google.com/spreadsheets/d/1bU3EHfnSN4hzyYh2_VKxCO3Y3Ci6mgz5GAjyMp64NM/edit#gid=859611852

Response to Planning Staff Supplemental Memo #2

Planning Staff stated “[we have] reviewed the application under the assumption that the Lyons Quarry and cement plant would continue to operate until such a time as the operator decides to voluntarily cease operations” and based their recommendation on that assumption.

Staff’s reasoning cannot be applied to approve this application because they have very clearly not performed adequate due diligence to corroborate this assumption (and have acknowledged this).

- 1) it is highly unlikely that the plant is truly in a legal non-conforming status, as it seems that Boulder County has possibly ignored Articles 4-1001.A and 4-1003.C on several occasions over the past 28 years,**
- 2) Planning Staff failed to make reasonable effort to fact check this statement with DRMS, and**
- 3) Planning Staff does not appear to have attempted to validate the financial feasibility of 'indefinite operations'.**

With a mere two emails to DRMS, and some financial modeling with publicly available information, we concluded with a high degree of confidence that CEMEX will voluntarily cease operations in the near-future or be without revised permits that allow them to continue processing of cement. As a reminder, in order for CEMEX to operate the Lyons cement plant without Dowe Flats, the following things must happen:

- 1) DRMS provides an updated M1977208 permit to change the source location;
- 2) CDOT provides the appropriate access permits;
- 3) CDPHE processes and approves the Title V operating permit renewal; and
- 4) The financial profile of operating indefinitely is superior to the financial profile of shutting everything down and selling assets (which is highly unlikely).

Given this information, the criteria in Special Review items #3, #8, and #10 can not be met.

Link to DRMS Emails:

<https://static1.squarespace.com/static/6299fc89866f6c66caa2011d/t/62fd3f1557a1c55b64acb927/1660763926022/Amy+Email+1+-+Question+on+M1977-208+Inspection+Report+%281%29.pdf>

Link to Financial Models:

https://docs.google.com/spreadsheets/d/1S-aQWmqPjTSzMad9n-3ybdKi0cEpRdn_ODVmJJOeSb0/edit#gid=0

Response to Planning Staff Supplemental Memo #3

In response to Mr. L’Orange’s statement that “County staff have confirmed with staff from the Colorado State Division of Natural Resources that the State permit for the Lyons Quarry and cement plant (M1977-208) would not need to be terminated if the Dowe Flats Quarry permit (M1993-041) ended.”, **I would like to point out what should be obvious: Of course M1977-208 would not need to be terminated if mining ceased**

at Dowe Flats. This was a poor way of asking the question and a poor way of interpreting the response from Jared at DRMS. Mr. L'Orange's email to DRMS was hastily written during the Planning Commission Hearing on August 17th. There are still many years of reclamation to be performed under M1977-208 (thus the permit would not need to be terminated, as mining permits live many years beyond active mining activities) and CEMEX could apply for a Technical Revision or an Amendment to attempt to continue M1977-208 (whose sole mining activity presently is the processing of material at Dowe Flats).

In an email from Amy Eschberger at DRMS, she clarifies that "Any changes to the approved plan, such as changing the primary source location for the plant, would need to be reviewed by our office through the appropriate revision submittal." In other words, CEMEX needs a change to their permit to truck in material to process at the cement plant. This is a change/revision/amendment they don't have, nor have they even applied for. Amy's email can be found here:

<https://static1.squarespace.com/static/6299fc89866f6c66caa2011d/t/62fd3f1557a1c55b64acb927/1660763926022/Amy+Email+1+-+Question+on+M1977-208+Inspection+Report+%281%29.pdf>

While I think the above speaks for itself, I would also like to point out what is very evident to the community, and what I hope is now crystal clear to the Planning Commission: that is, **the threat of "indefinite operations" that has been used as the primary reason to approve this application by both the co-applicant, Boulder County Parks and Open Space, as well as the Boulder County Planning Staff was NEVER fact-checked by County staff, and it is incorrect to think their assumption is true.**

Given this information, the criteria in Special Review items #3, #4, #8, #10, #11, and #13 can not be met.

2) The cumulative public health effects of 15 more years of operations

Response to Planning Staff Supplemental Memo #4

While I do not agree with Staff saying the public's concerns with the negative impacts of an additional 15 years of plant operations should not be discussed as part of this application, **I am willing to look at this through a narrow lens of removing the plant from consideration. Under that lens, using Staff's logic, any theoretical future benefits from plant closure or anything ancillary to the subject parcel in question should also be stricken from the basis for recommendation.** In other words, the Dowe Flats extension should stand on its own merits and the Planning Commission should take a narrow view of this application absent considerations on other parcels - real estate, financial, or otherwise. **When striking these arguments, several of the Special Use Review Criteria arguments no longer have proper support to be logically coherent. Staff's recommendations based on assessing Special Review Criteria #3, #4, #8, #9, #10, #11, and #13 are all supported by theoretical future**

benefits on parcels that Staff has indicated are not part of this application, and thus, all of these assessments should be discarded.

If Staff would like to include those theoretical future benefits not related to Dowe Flats, they must also include any negative impact associated with an additional 15 years of mining operations, including but not limited to the 5,400,000 tons of CO₂ the plant will emit with an additional 15 years of operation. Conservatively, the ultimate environmental cost of these emissions (per a legal precedent valuing the impact at \$50 p/ton of CO₂ emitted) is over \$250M. Anything short of including all of the impact or none of the impact of the plant, is an error of law. Staff's previous selective omissions are known as the legal doctrine of "cherry picking". Staff cannot use the plant to support its recommendation, which they do repeatedly, then in the same breath deny its negative impacts and say it's not part of this application.

Planning Staff's logic and reasoning to exclude the CEMEX plant's enormous environmental impact is not legally sound.

The criteria for Special Review items #3, #4, #8, #9, #10, #11, and #13 can NOT be met. This application should be rejected.

Response to Planning Staff Supplemental Memo #5

This application has been categorized as an extension to the Special Use Permit. So when talking about the environmental impact, Planning Staff casually stated "An extension of mining activities at the Dowe Flats quarry would mean that these emissions could continue for an additional 15 years", a sentiment that does not properly acknowledge the significant emissions and **environmental impact that mining on this "significant agricultural land", as deemed by the County in the Comprehensive Plan in Policy-AG 1.03, Map 15.**

Regardless, this application is not an extension, but rather a **NEW special use** and should be treated as such. The Dowe Flats Special Use Permit has an explicit expiration date: 25 years, or September 30, 2022. When Marigold sold the Dowe Flats land to Boulder County, they placed a covenant on the land as documented in a "Covenant Running with the Land" Agreement on July 15, 2002. Section 1.1 of that agreement prohibits use of the property for the excavation or extraction or removal of minerals or other materials ("mining") after December 21, 2021. The spirit of that covenant was to ensure that the expiration of the Special Use permit for mining at Dowe Flats was upheld; **this agreement was signed by Paul Danish, a Boulder County Commissioner at the time. The clear intent of Boulder County was to cease all mining activity at Dowe Flats as of December 21, 2021.**

When CEMEX indicated to Boulder County that they would like an extension on their Dowe Flats permit back in 2019, Dale Case made it clear that any extension is out of the County's hands because of the covenant prohibiting mining held by Marigold.

Unsurprisingly, CEMEX then went back and found a way to persuade Marigold to have the mining portion of that covenant removed, which was done in February 2020.

If CEMEX would like an additional 15 years at Dowe Flats, they must apply for a NEW Special Use permit.

This is not an extension, and thus does not meet the criteria in Special Review items #2, #3 (BCCP Policy ER 1.01, AG 1.03 and more), and #4.

Response to Planning Staff Supplemental Memo #6

When discussing the impact of 15 additional years of mining at Dowe Flats, Staff intimated that there is no additional impact because the boundaries are not being extended. Is that really true though? People have assumed this means that CEMEX just plans to dig deeper pits, not dig new ones. In CEMEX's application, they state, "If CEMEX, Inc. continues to mine the mineral resources that are all within the currently permitted disturbance boundary, no additional land will be disturbed." No additional land [in the boundary] will be disturbed. On a site visit of Dowe Flats with Good Neighbors of Lyons in March 2022, **CEMEX's Michael Clausen spoke about future mining at Dowe Flats and pointed to an untouched section of land to show where they would like to continue mining.** It is reasonable to assume there will be NEW and significant impact with 15 years of additional mining.

Without a current environmental impact study, which should have been completed when this application was filed (but has not been done), how can staff say the criteria surrounding environmental impact is met?

Subsequently, Special Review Criteria items 2, 4, 12, and 13 can not be met.

Response to Planning Staff Supplemental Memo #7

I would like to remind the Commission that without 'indefinite operations' of the plant as a viable threat (and it is not - **County Staff did not adequately fact check the claim of indefinite operations by CEMEX** during negotiations, when issuing draft recommendations, or even in the hasty email sent by Mr. L'Orange on August 17th), that the plant **MUST** be considered when discussing environmental impact. Planning Staff even contradicts themselves on this point multiple times in their Supplemental Memo.

By now, I am confident you understand the plant's enormous emissions and that the ultimate cost to our community for an additional 15 years of operations is valued at \$250M (as supported by recent case law). But I also think understanding **how CEMEX behaves as a corporate citizen of our community is important.** A character assessment, if you will, as Mr. L'Orange failed to include such details about CEMEX's impact on public health when asked by Commissioner Fitch. When reviewing a summary of The Colorado Department of Public Health and Environment's (CDPHE) enforcement history with CEMEX, they have been the subject of 12 formal enforcement actions by the

Air Pollution Control Division (APCD) since 2000, 5 of these in the last 5 years (see details below). In addition, there is an additional formal enforcement action by APCD which is still pending.

Case No. 2021-077

Continuous Emissions Monitoring Systems (CEMS) downtime; Opacity violation (kiln & clinker cooler); Monitoring, Recordkeeping & Reporting issues. CEMEX was given a \$40,250 penalty.

Case No. 2020-036

Failed to conduct timely VOC testing; Failed to operate power sweeper on two days; Failed to complete required QA/QC actions for THC CEMS; Dust plume observed (from points associated with kiln/clinker cooler), violating requirement to operate in a manner with good air pollution control practices; Monitoring & Reporting issues. CEMEX was given a \$42,000 penalty.

Case No. 2019-197

September & October 2019 stack testing; Failed to conduct timely dioxin/furan testing on the kiln. CEMEX was given a \$5,250 penalty.

Case No. 2019-158

Significant dust emissions from the clinker transport elevator and drag chains from a process, violating requirement to operate the process' baghouses in accordance with good air engineering practices. CEMEX was given a \$7,000 penalty.

Case 2019-021

Opacity from the kiln; Failure to operate and maintain a baghouse in accordance with manufacturer's specifications and/or good engineering practices; Failure to operate the plant water truck on two dates in Jan 2018; Failure to operate the power sweeper for 2 hours on one date in March 2017; Failure to ensure carbon & lime injection system was operating when temperatures reached trigger point on one date in July 2017; Monitoring, Recordkeeping & Reporting issues. CEMEX was given a \$35,000 penalty.

A note from APCD Staff: "Historically, there have been regular complaints about Cemex from nearby residents. Most of these complaints are related to fugitive dust from the plant and/or associated quarry. Some years APCD/Boulder County receive more complaints than others. For example, 2022: 4 complaints (to date); 2021: 16 complaints; 2020: 4 complaints; and 2019: 16 complaints."

CEMEX's Plant Manager, Erik Estrada, has said to members of the community that it makes more financial sense for CEMEX to pay the fines for their environmental violations than to fix the issues. Michael Clausen of CEMEX has also said, in various contexts, that the plant "would never do anything that would risk its permits". I believe he is referencing the plant's legal nonconforming status, and any improvements or accessories added would trigger a County review of the plant's nonconforming status, thus risking its permits altogether. All that is to say, **CEMEX very literally does the bare**

minimum required as it pertains to protecting public health. And the bare minimum is generally just paying the fine, not protecting public health at all. That attitude is not limited to the plant, but also to the quarry. Is the County really okay with another 15 years of this corporate citizen who does not care about the people in its community at all?

While some of those comments are hearsay (not all of them), CEMEX's actions most certainly support the sentiments. **I also want to remind the Planning Commission that the Boulder County Public Health Department's requests for conditions to be added to protect public health were disregarded in their entirety in the Planning Staff's draft recommendation with their legally false reasoning that plant upgrades should be omitted from conditions to the application, despite including the plant themselves multiple times in their Supplemental Memo for reasoning to support the application.**

The public health impact of this application prohibits the criteria in Special Review Items #3 (BCCP Policy PH 1.01) #8, and #10 from being met.

3) Details and data on CO2 emissions

Response to Planning Staff Supplemental Memo #8

In his supplemental memo, Mr. L'Orange states "While the Lyons Quarry and cement plant are not being reviewed as part this application, the public health impacts of the Lyons Quarry and cement plant are relevant in considering whether the applicant's commitment of record to close the plant is sufficient mitigation for the impacts of extending mining operations at Dowe Flats." Staff repeatedly cites CEMEX's commitment to 'cease cement plant operations' as justification to meet various Special Review criteria, but Staff also repeatedly asserts that the plant is not part of this application and its impact should not be considered. Any future benefit related to the plant or properties other than Dowe Flats, should also be removed from consideration.

Specifically referring to Mr. L'Orange's assessment on the negligible impact of an additional 15 years of mining at Dowe Flats, **without a current environmental impact study, which should have been completed when this application was filed (but has not been done), how can staff say the criteria surrounding environmental impact is met?**

Based on the above, the criteria in Special Review items 2, 3, 4, 8, 10, 11, 12, and 13 can not be met.

4) The relationship between Dowe Flats and the Lyons Quarry site

Response to Planning Staff Supplemental Memo #9

In his Supplemental Memo, Mr. L'Orange asserts, "As a legally nonconforming use, the Lyons Quarry can continue to operate independently of the Dowe Flats quarry." While that is true in the eyes of Boulder County, **it is an error of law to not take into account that the Lyons Quarry can NOT continue to operate independently of the Dowe Flats quarry with their current state permit, M-1977-208.** In order for CEMEX to operate the Lyons cement plant without Dowe Flats, the following things must happen: 1) DRMS provides an updated M1977208 permit to change the source location; 2) CDOT provides the appropriate access permits; 3) CDPHE ultimately processes and approves the Title V operating permit renewal; 4) The financial profile of operating indefinitely is superior to the financial profile of shutting everything down and selling assets.

Given this information, the criteria in Special Review items #3, #8, and #10 can not be met.

Link to DRMS Emails:

<https://static1.squarespace.com/static/6299fc89866f6c66caa2011d/t/62fd3f1557a1c55b64acb927/1660763926022/Amy+Email+1+-+Question+on+M1977-208+Inspection+Report+%281%29.pdf>

Link to Financial Models:

https://docs.google.com/spreadsheets/d/1S-aQWmqPjTSzMad9n-3ybdKi0cEpRdn_0DVmJJOeSb0/edit#gid=0

5) Commissioner McMillan's unaddressed questions about the length of the requested permit (15 years)

Response to Planning Staff Supplemental Memo #10

In the August 17th Planning Commission hearing, Commissioner McMillan raised questions about how CEMEX and Boulder County Parks and Open Space settled on 15 years for the extension. These questions were left unanswered in the Planning Staff's Supplemental Memo.

During that same hearing, CEMEX's Mark Davies stated that 15 years was just what they agreed to, and that CEMEX initially wanted more time. Just another point that increases the likelihood we will be having this same discussion about extending mining in 15 years time if this application were to be approved. The number of years CEMEX is asking for is noteworthy, as CEMEX chose to only operate the Dowe Flats mine 4 days per week which, extended over 25 years, leaves more than 10 years of potential mining unused.

It is also worth noting that it feels like more than a coincidence that the 'gift' to Boulder County Parks and Open Space of approximately \$15M of land parallels 15 years of mining to show a pretty clear relationship between the two. **How many years of mining would be acceptable to Boulder County if it was \$0 of additional gifts and land parcels?**

Thank you for your time and attention to this, which is no small feat given the length of this letter. I really do appreciate the role you (The Planning Commission), as citizen volunteers, are playing in our local government's process. We need checks and balances like the Planning Commission to ensure ALL stakeholders are being heard. Your personal commitment to that is noticed and appreciated. Thank you again.

With gratitude,

A handwritten signature in black ink, appearing to read 'Sarah Lorang', written in a cursive style.

Sarah Lorang
Good Neighbors of Lyons
www.goodneighborslyons.com

Boulder County Comprehensive Plan Policies that Application SU-22-0003 is NOT Compliant With

Policy	Description	Response
<i>Policy AG 1.01: Agricultural Land Preservation</i>	<i>It is the policy of Boulder County to promote and support the preservation of agricultural lands and activities within the unincorporated areas of the county, and to make that position known to all citizens currently living in or intending to move into this area.</i>	Delaying the reclamation of Dowe Flats by 15 years violates the spirit of this policy as described in the BCCP, the land is zoned agricultural and was promised to be restored to that state beginning in September 2022.
<i>Policy AG 1.03: Agricultural Land of Importance</i>	<i>It is the policy of Boulder County to encourage the preservation and utilization of those lands identified in the Agricultural Element as Agricultural Lands of National, Statewide, or Local Importance and other agricultural lands for agricultural or rural uses.</i>	The Boulder County Comprehensive Plan “Significant Agricultural Lands” map shall include such lands located outside of the boundaries of any municipality or the Niwot Community Service Area. When referencing the “Significant Agricultural Lands Map”, the Dowe Flats Property has land of both State and Local Importance, and should be reclaimed to its original pasture-like state.
<i>Policy CR 1.02: Treatment of County-Owned Properties</i>	<i>Properties containing significant cultural resources acquired by Boulder County both in unincorporated and incorporated areas, will be documented, protected, preserved, and where appropriate, restored.</i>	Boulder County owns, or has options on 100% of the land at the Dowe Flats site, and that land is scheduled to begin reclamation in September 2022. The voluntary delay of reclamation of this 1600+ acres of County-owned property does not “protect, preserve, or restore” this “Significant Agricultural Land” as deemed by the State and County. Dowe Flats is also part of the Rabbit Mountain Environmental Conservation Area as identified in the BCCP.
<i>Policy CR 1.04: Cooperation with Other Jurisdictions</i>	<i>Boulder County shall encourage inter-jurisdictional cooperation to further the goals of cultural resource preservation.</i>	When negotiating the application and proposal with CEMEX, Boulder County Parks and Open Space intentionally excluded the Town of Lyons from discussions, as confirmed by Janis Whisman in the Parks and Open Space Advisory Committee Meeting held on June 23, 2022. This exclusion prevented the Town of Lyons from participating in the protection of the Rabbit Mountain Environmental Conservation Area which includes land at Dowe Flats, as well as the “Significant Agricultural Land” at Dowe Flats as deemed by the County. Dowe Flats is within the 3-mile primary planning area for the Town of Lyons, and they should have been included for inter-jurisdictional review and negotiation of this application.
<i>Policy EC 1.06: Climate Change</i>	<i>Boulder County values businesses and activities that promote or develop technologies to prevent, mitigate, and adapt to climate change, and supports business resiliency through sustainable and energy-efficient business practices.</i>	CEMEX’s environmental violations and penalties are significant, as noted by the Town of Lyons’ Mayor, Hollie Rogin. Allowing CEMEX to continue operations of the #1 polluter in Boulder County, accounting for approximately 7% of all greenhouse gas emissions in the County, directly goes against the spirit of Policy EC 1.06, if only because CEMEX has a long history of failing to address emissions issues, and other environmental violations, and instead just pays the associated fines without any operational changes made.
<i>Policy EC 2.01: County Regulations and Decision Making</i>	<i>Boulder County will develop and implement economic-related regulations and decision making that aligns with the County’s values.</i>	As indicated by the Town of Lyons in their referral response to this application, an extension of the Dowe Flats Mine puts the development of Lyons’ Eastern Corridor in grave jeopardy. The Eastern Corridor is part of a strategic growth plan for the Town of Lyons to generate much-needed tax revenue to support the Town. In addition, the deal that Parks and Open Space struck largely violates the spirit of the 2012 IGA with the Town of Lyons, which was also crafted to support urban development and growth for the Town. By delaying these much needed development opportunities for the Town, the County is essentially using regulations and decision making to stall economic growth.
<i>Policy EC 2.02: Intergovernmental Collaboration</i>	<i>Boulder County collaborates with and supports the economic vision of municipalities by fostering well planned development efforts that contribute to economic vitality for the region, without placing an undue burden on resources and infrastructure available within the municipalities and the county, and without exacerbating challenges related to balancing economic growth with housing supply in the region.</i>	When negotiating the application and proposal with CEMEX, Boulder County Parks and Open Space intentionally excluded the Town of Lyons from discussions, as confirmed by Janis Whisman in the Parks and Open Space Advisory Committee Meeting held on June 23, 2022. As indicated by the Town of Lyons in their referral response to this application, an extension of the Dowe Flats Mine puts the development of Lyons’ Eastern Corridor in grave jeopardy. The Eastern Corridor is part of a strategic growth plan for the Town of Lyons to generate much-needed tax revenue to support the Town. In addition, the deal that Parks and Open Space struck largely violates the spirit of the 2012 IGA with the Town of Lyons, which was also crafted to support urban development and growth for the Town. By delaying these much needed development opportunities for the Town, the County is essentially using regulations and decision making to stall economic growth.
<i>Policy EC 4.03: Transparency and Collaboration</i>	<i>Boulder County encourages transparency and collaboration between community and government.</i>	The County’s intentional exclusion of the Town of Lyons in this application negotiation, and the complete disregard for their feedback in their Referral Response to Planning Staff is not “transparency and collaboration between community and government.”

<p><i>Policy ER 1.01: Regulations</i></p>	<p><i>Boulder County plans and attendant regulations shall be formulated to ensure that land uses avoid where possible and otherwise minimize the destruction or adverse modification of environmental resources. Land use proposals shall be evaluated on a case-by-case basis for their potential impacts to environmental resources identified in the BCCP as well as those resources that may be identified on the site and in the vicinity of the proposal during a county development review process. The applicant may be required to complete other studies, inventories, or reports that address the proposal's potential impacts on environmental resources and include recommendations for mitigation of those impacts.</i></p>	<p>When discussing the destruction and adverse modification of the land at Dowe Flats, the impact must be compared to the current state, which is that the Special Use permit is expiring in September 2022 as intended by County officials and promised by CEMEX when the permit was issued, and reclamation of that land is supposed to begin immediately. So comparing the impacts to environmental resources to fully reclaimed, pasture-like land, a new mine would be absolutely devastating to local wildlife and ecosystems.</p>
<p><i>Policy ER 1.05: Stakeholder Entities</i></p>	<p><i>Boulder County shall work with federal, state, municipal and other public or quasi-public entities that have a jurisdictional or property interest in unincorporated lands within or surrounding any designated environmental resources to achieve their protection.</i></p>	<p>Boulder County already owns the Dowe Flats property, which is part of the Rabbit Mountain Environmental Conservation Area, a protected area. In order to best protect that land, the County should cease mining and begin reclamation in September 2022 when the special use expires.</p>
<p><i>Policy ER 1.07 Open Space Program</i></p>	<p><i>Boulder County shall use its open space program as one means of achieving its goals for protecting environmental resources.</i></p>	<p>Boulder County effectively applied this policy when it purchased and obtained options on the Dowe Flats property 25 years ago. Now that the property is owned by the County, it should begin the “protecting environmental resources” portion of this policy, by commencing reclamation in September 2022 rather than delaying that repair and restoration of this protected land by 15 years. Approving this application would cause the environmental resources at Dowe Flats to continue to be disturbed and violated for an unjustified 15 years.</p>
<p><i>Policy ER 2.01: Air, Soil, Water, Noise and Light Pollution</i></p>	<p><i>Boulder County shall seek to protect overall public and environmental health by enforcing regulations concerning air, soil, water, noise and light pollution at the local level in accordance with applicable law.</i></p>	<p>Despite a long history of public health violations, of which few have ever been truly addressed outside of paying fines, CEMEX has not been truly held accountable for its long list of violations as provided by the Town of Lyons' Mayor, Hollow Rogin. In addition to the regularly documented dust and emission violations, the light pollution from CEMEX's more recent change to much brighter LED lights is likely having a negative impact on the extensive wildlife in the area, and the local community finds it to be a great nuisance. 15 additional years of this behavior violates the spirit of Policy ER 2.01. The draft recommendation from Staff failed to include a single condition from the Boulder County Public Health Department that they requested be added for public health and safety. Staff cited reasoning that the plant is not part of the application for that omission, but often used theoretical future benefits of the plant and parcels unrelated to Dowe Flats to justify approving the application. This inconsistency, or cherry picking, is an error of law.</p>
<p><i>Policy ER 2.02: Impacts on Public & Environmental Health</i></p>	<p><i>Boulder County shall evaluate land use proposals and other planned activities considering their cumulative impacts on public and environmental health. Sufficient mitigation and minimization of any impacts shall be required for the proposal or activity to be approved. These proposals and activities shall at a minimum comply with air, soil, and water quality standards, as well as noise level and lighting standards, established by county and state agencies or the Boulder County Land Use Code.</i></p>	<p>Extending mining at Dowe Flats for 15 years inherently extends the life of the plant for the same amount of time, as their permits at the State level are linked. This proposed extension would result in an additional 5,400,000 tons of Co2, with an ultimate environmental cost of \$250M, a figure supported by recent case law.</p>
<p><i>Policy ER 3.02 Development Rights</i></p>	<p><i>Boulder County shall encourage the removal of development rights from ECAs through transfer, donation, acquisition, trade, or other incentives.</i></p>	<p>Staff referenced Policy ER 3.02 as an example of complying with the BCCP, citing that “the environmental resources of the site have already been impacted due to the mining activities on the site”. This is a misapplication of the Policy, as the intent is to prohibit development, and Boulder County either owns or has options on 100% of the Dowe Flats property, and it is supposed to begin reclamation to a pasture-like state in September 2022. Supporting an extension of CEMEX's permit would allow 15 unnecessary years of industrial development on land that should be public open space.</p>
<p><i>Policy ER 3.03: Development Inside ECAs</i></p>	<p><i>Development within ECAs shall be located and designed to minimize the cumulative impacts on the environmental resource values of ECAs.</i></p>	<p>Staff referenced Policy ER 3.03 as an example of complying with the BCCP, citing that “the environmental resources of the site have already been impacted due to the mining activities on the site”. This is a misapplication of the Policy, as the intent is to MINIMIZE the cumulative impacts on the environment. 15 years of additional mining on property that is supposed to be reclaimed, thus delaying its restoration by 15 years, does not minimize impact, nor is the additional impact insignificant.</p>

<p><i>Policy ER 3.05: Coordinated Management Plans</i></p>	<p><i>Boulder County shall encourage and participate with the appropriate public entities and private landowners in the development of coordinated management plans to conserve, preserve and restore the environmental resource values of ECAs.</i></p>	<p>Staff referenced Policy ER 3.05 as an example of complying with the BCCP, citing that “the environmental resources of the site have already been impacted due to the mining activities on the site”. This is a misapplication of the Policy, as the intent of this policy is to conserve, preserve and restore the environmental resource values of ECAs. Agreeing to let a company with a long history of public health violations continue to destroy what is supposed to be protected land, as it lies in the Rabbit Mountain Environmental Conservation Area, for an additional 15 years is the opposite of what compliance with this policy is. Additionally, County staff failed to participate with public entities in the negotiation of this application, as they intentionally excluded the Town of Lyons, as confirmed by Janis Whisman on June 23, 2022. Dowe Flats is within the 3-mile primary planning area of the Town of Lyons.</p>
<p><i>Policy ER 4.03: Protection of Natural Resource Values</i></p>	<p><i>Boulder County shall coordinate with local, state, and federal agencies and municipalities, as well as with willing private landowners, to protect natural resource values within Natural Landmarks and Natural Areas. This may include: identification of specific resources of concern including scenic values; recommendations for long-term management; mitigation of existing or foreseen impacts; or protection through acquisition of land interest.</i></p>	<p>Staff referenced Policy ER 4.03 as an example of complying with the BCCP, citing that “The proposed extension of mining-activities will occur in these already impacted areas, minimizing the impact to the Natural Area as a whole.” This is a misapplication of the Policy, and also misuse of the word “minimize”. Approving an additional 15 years of mining on land that should be beginning its restoration and reclamation in a matter of weeks, is antithetical to the “Protection of Natural Resource Values”. Staff goes on to say, “Additionally, the required reclamation of the subject property post-mining will significantly mitigate these impacts and will provide for the long-term management of the area.” which supports reasons for beginning that process now, not in 15 years.</p>
<p><i>Policy GE 2.03: Lands Excluded from Aggregate Resource Areas</i></p>	<p><i>Pursuant to Policy GE 2.02 and the provisions of 34-1-304 (1)(a-g) CRS, the county shall not include in its Aggregate Resource Areas, the following lands: those areas defined and mapped in the Environmental Resources and Agricultural Elements as: 1. “Critical Wildlife Habitat” 2. “Agricultural Lands of National and State-wide Importance” 3. “Designated Natural Landmarks and Natural Areas”.</i></p>	<p>The Dowe Flats property is both (2) “Agricultural Lands of National and State-wide Importance” and (3) “Designated Natural Landmarks and Natural Areas” and should subsequently be excluded from the County’s Aggregate Resource Areas and Boulder County’s Master Plan for Extraction. In short, I believe this policy says that areas with the above designations should not be mined.</p>
<p><i>Policy GE 2.10: Land Reclamation</i></p>	<p><i>In cooperation with the Colorado Mined Land Reclamation Board and its staff, the county shall require that all “affected land” as defined by Colorado Statute, be reclaimed whether the subject mining activity shall have been open mining or subsurface mining.</i></p>	<p>Issuing a new special use permit for mining at Dowe Flats would prevent ‘Land Reclamation’ as dictated by the current special use permit. The intent of the County Commissioners and promises made by CEMEX, all centered around the agreed upon expiration date of December 21, 2021, which has already been extended to September 2022 to appease CEMEX. Land Reclamation plans are in place so they are executed upon; not executing an agreed upon reclamation plan (including its timeline) would violate the spirit of Policy GE 2.10.</p>
<p><i>Policy OS 1.01: Conservation Efforts</i></p>	<p><i>Boulder County supports conservation efforts that uphold one or more open space values or functions, consistent with adopted plans and agreements.</i></p>	<p>15 years of mining is inherently in opposition to ‘conservation’. Supporting the immediate reclamation of Dowe Flats upholds three of Open Space’s values and functions: (1) Preserve natural resources, including significant habitats, native species, and ecological processes, (2) Conserve and enhance agricultural lands, especially agricultural lands of local, statewide, and national importance, (3) Provide passive recreation, trail linkages, and access to public lands.</p>
<p><i>Policy OS 2.01: Protection of Open Space Values and Functions</i></p>	<p><i>Boulder County acquires real property rights to protect open space values and functions as outlined under the Open Space definition in Section 1.b.</i></p>	<p>County Staff has insisted that the plant is not part of this application, but used future benefits of the plant to support their argument for why the application is compliant with this Policy. Unless Staff chooses to also include all of the negative impact of an additional 15 years of plant operations, they cannot legally use its future benefits to support its arguments, thus making the application in question NOT compliant with this Policy. I would, however, argue that the County did follow the spirit and intent of OS 2.01 when they acquired the land at Dowe Flats. Further delaying the public’s use of that land seems to run counter to the intent.</p>
<p><i>Policy OS 2.02: Acquisition Tools</i></p>	<p><i>Boulder County acquires real estate interests in land, water, and minerals through appropriate real estate methods such as fee title, conservation easements, and trail easements.</i></p>	<p>County Staff has insisted that the plant is not part of this application, but used future benefits of the plant to support their argument for why the application is compliant with this Policy. Unless Staff chooses to also include all of the negative impact of an additional 15 years of plant operations, they cannot legally use its future benefits to support its arguments, thus making the application in question NOT compliant with this Policy. Boulder County already owns or has options on all of the Dowe Flats property.</p>
<p><i>Policy OS 2.03: Protect Real Estate Interests</i></p>	<p><i>Boulder County maintains and protects its real estate interests in open space properties to the maximum extent possible and works to prevent illegal uses and minimize impacts from legal third-party activities.</i></p>	<p>Allowing an additional 15 years of mining on land that is set to be reclaimed and restored in a matter of weeks, is in direct opposition with “minimizing legal third party activities” on County real estate interest in open space.</p>

Policy OS 3.01.02.	<i>Through planning and management, Boulder County strives to conserve significant resources and enhance protection and restoration of native ecosystems and their native species populations while also providing passive, sustainable, and enjoyable public uses that connect the public to their environment.</i>	The spirit of this policy is to ‘provide passive, sustainable, and enjoyable public uses that connect the public to their environment’, which I believe cannot be done when withholding open space from the public for 15 additional years beyond what they were promised when taxpayer dollars paid for that land 25 years ago. Not honoring the expiration date of the current special use violates this policy.
Policy OS 4.01 Parks & Open Space Advisory Committee	<i>The Board of County Commissioners shall appoint a Parks and Open Space Advisory Committee to provide a forum for public input and advice to the Board of County Commissioners and Parks and Open Space Department regarding Parks and Open Space plans, programs, and actions.</i>	While the Parks and Open Space Committee exists, it does not appear as though they were utilized appropriately in this application. CEMEX’s Mark Davies stated that negotiations went on for “several months” during his August 17th testimony, and Parks and Open Space acknowledged ‘on-going negotiations regarding Dowe Flats’ to the Town of Lyons as far back as Fall 2021, but it appears that the first discussion with the Parks & Open Space Advisory Committee about this application was on June 23, 2022, where Staff presented their fully negotiated deal. There was no vote or formal approval by the Committee.
Policy OS 4.04: Public Input	<i>Boulder County shall seek and consider public input about open space acquisitions and management through a variety of informal and formal engagement tools.</i>	The public and Town of Lyons were intentionally excluded from all discussions around this application and the associated land acquisitions, as confirmed by Janis Whisman on June 23, 2022. There was no formal or informal public input.
Policy OS 5.01: Stakeholders	<i>Boulder County shall invite input from a broad spectrum of stakeholders relevant to the policy and management issues under consideration.</i>	The public and Town of Lyons were intentionally excluded from all discussions around this application and the associated land acquisitions, as confirmed by Janis Whisman on June 23, 2022.
Policy OS 5.02: Peer Agencies	<i>Boulder County shall work closely with federal, state, and local authorities to promote and achieve mutual acquisition and management goals.</i>	County Staff have not demonstrated collaboration or a “close” working relationship with any state agencies as it pertains to this application. This is evident in the County’s inability to corroborate CEMEX’s claim that they will operate indefinitely as it relates to their State permits managed by DRMS.
Policy PH 1.01: Air Quality	<i>Boulder County recognizes the direct and secondary health impacts of outdoor air pollution produced by industrial, vehicular and other sources. The county collaborates with industry, state and neighboring governments to respond to and mitigate the health impacts of poor air quality due to particulate matter, ground-level ozone, smoke from wildfires, greenhouse gasses and other air pollutants.</i>	Staff referenced Policy PH 1.01 as an example of complying with the BCCP, citing that public input about plant pollution should not be considered, but notes that CEMEX claimed the plant could operate indefinitely but will voluntarily cease cement plant operations so that supports Policy PH 1.01. This is not a legally sound argument and can NOT be used to claim the application is compliant with this policy. Also, Staff has not demonstrated any effort to fact check CEMEX’s claim they can operate indefinitely, which is core to their argument. In order for CEMEX to operate the Lyons cement plant without Dowe Flats, the following things must happen: 1) DRMS provides an updated M1977208 permit to change the source location; 2) CDOT provides the appropriate access permits; 3) CDPHE processes and approves the Title V operating permit renewal; and 4) The financial profile of operating indefinitely is superior to the financial profile of shutting everything down and selling assets. In addition to the above, the Boulder County Public Health Department’s requests for conditions to be added to protect public health were disregarded in their entirety in the Planning Staff’s draft recommendation with their legally false reasoning that the plant should be omitted from this application, despite including the plant themselves multiple times in their Supplemental Memo for reasoning to support the application. The application is not in compliance with BCCP Policy PH 1.01.

SPECIAL REVIEW CRITERIA	Does SU-22-003 meet the Special Review Criteria?	Supporting Detail
(1) Complies with the minimum zoning requirements of the zoning district in which the use is to be established, and will also comply with all other applicable requirements;	No	<p>When citing Article 4-508.C.5.c, County Planning Staff changed the word “parcel” to the word “site” when summarizing the Land Use Code in its memo. This is an important change from the actual Land Use Code. The open mining pits are located on the northernmost parcel (“12031600050”) - “the mining parcel”. The mining parcel is located >3,500 feet from the Cement Plant Parcel (“processing parcel”). This violates Article 4-508.C.5.c of the Land Use Code, which allows < 1,000 feet from the mining parcel to the processing parcel. Subsequently, this criteria can not be met.</p> <p>Staff also references the following as its basis for saying the criteria in Special Review Item #1 has been met: “Open Mining uses are an allowed use through the Special Use Review process in the Agricultural Zoning District, where the subject property is located.” However, the Boulder County Comprehensive Plan (BCCP) states that the primary goals of Agricultural Land within the county are to “foster a diverse agricultural economy, conserve & preserve land, and preserve water for agricultural uses”. Allowing 15 years of mining at Dowe Flats does not comply with any of the goals in the BCCP as it relates to Agricultural Zoning. The logic that there is already a Special Use to allow mining on this land, so we should issue a NEW special use for mining is flawed and not legally sound.</p> <p>It is important to note that per a covenant signed in July 2002 by Boulder County Commissioner, Paul Danish, the clear intent of the County was to prohibit any mining activity at Dowe Flats after December 21, 2021. Upon learning of this covenant in 2019, CEMEX persuaded Marigold (the covenant owner and seller of the land to Boulder County) to change the covenant to allow mining, thus giving them the opportunity to file this application.</p> <p>Given the clear expiration date and intent for no mining to take place after that date as agreed to by the County, this is NOT an extension of a Special Use. This is a NEW special use and zoning requirements and impact should be compared to the reclaimed state of the land. This criteria can not be met.</p>
(2) Will be compatible with the surrounding area. In determining compatibility, the Board should consider the location of structures and other improvements on the site; the size, height and massing of the structures; the number and arrangement of structures; the design of structures and other site features; the proposed removal or addition of vegetation; the extent of site disturbance, including, but not limited to, any grading and changes to natural topography; and the nature and intensity of the activities that will take place on the site. In determining the surrounding area, the Board should consider the unique location and environment of the proposed use; assess the relevant area that the use is expected to impact; and take note of important features in the area including, but not limited to, scenic vistas, historic townsites and rural communities, mountainous terrain, agricultural lands and activities, sensitive environmental areas, and the characteristics of nearby development and neighborhoods;	No	<p>Given the clear expiration date and intent for no mining to take place after that date as agreed to by the County, this is not an extension of a Special Use. This is a NEW special use and the "compatibility with the surrounding area" should be compared to the reclaimed state of the land. The area surrounding Dowe Flats is predominantly open space, and any new mining and associated structures would be a scar on the landscape.</p> <p>Related, in their Draft Recommendation Planning Staff stated, “The continued mining activities which would result from the requested extension would be limited to the area in which site disturbance has already occurred.” Is that really true though? People have assumed this means that CEMEX just plans to dig deeper pits, not dig new ones. In CEMEX’s application, they state, “If CEMEX, Inc. continues to mine the mineral resources that are all within the currently permitted disturbance boundary, no additional land will be disturbed.” No additional land [in the boundary] will be disturbed. On a site visit of Dowe Flats with Good Neighbors of Lyons in March 2022, CEMEX’s Michael Clausen spoke about future mining at Dowe Flats and pointed to an untouched section of land to show where they would like to continue mining. It is reasonable to assume there will be NEW and significant impact with 15 years of additional mining.</p> <p>Without a current environmental impact study, which should have been completed when this application was filed (but has not been done), how can staff say the “sensitive environmental area” of Dowe Flats, which is in the protected Rabbit Mountain Environmental Preserve, would not have further impact with 15 additional years of mining? This criteria can not be met.</p>
(3) Will be in accordance with the Boulder County Comprehensive Plan;	No	<p>Staff’s assertions that the application complies with Policies CR 1.01, ER 3.02, ER 3.03, ER 3.05, ER 4.03, GE 2.10, OS 2.01, and PH 1.01 are misguided; Staff applied logic not supported by law and antithetical to the clear intent of the policies in question. We have found a minimum, of 29 BCCP policies that the CEMEX application is in conflict with. Please visit GoodNeighborsLyons.com for a detailed list of the 29 policies in the BCCP which the application does not comply with.</p> <p>Staff also cites CEMEX’s commitment to ‘cease cement plant operations’ as justification to meet this criteria, but Staff has repeatedly asserted that the plant is not part of this application and its impact should not be considered. Subsequently, this future benefit related to the plant should also be removed from consideration, which means this criteria can not be met.</p>

<p>(4) Will not result in an over-intensive use of land or excessive depletion of natural resources. In evaluating the intensity of the use, the Board should consider the extent of the proposed development in relation to parcel size and the natural landscape/topography; the area of impermeable surface; the amount of blasting, grading or other alteration of the natural topography; the elimination or disruption of agricultural lands; the effect on significant natural areas and environmental resources; the disturbance of plant and animal habitat, and wildlife migration corridors; the relationship of the proposed development to natural hazards; and available mitigation measures such as the preservation of open lands, the addition or restoration of natural features and screening, the reduction or arrangement of structures and land disturbance, and the use of sustainable construction techniques, resource use, and transportation management.</p>	<p>No</p>	<p>When evaluating the over-intensive of the Special Use land, the effect on significant natural areas and environmental resources, etc., the Commission must evaluate the application based on the current state of an expiring permit and imminent reclamation and restoration. This application is not an extension, but rather a NEW special use and should be treated as such. The Dowe Flats Special Use Permit has an explicit expiration date: September 30, 2022. When Marigold sold the Dowe Flats land to Boulder County, they placed a covenant on the land as documented in a "Covenant Running with the Land" Agreement on July 15, 2002. Section 1.1 of that agreement prohibits use of the property for the excavation or extraction or removal of minerals or other materials ("mining") after December 21, 2021. The spirit of that covenant was to ensure that the expiration of the Special Use permit for mining at Dowe Flats was upheld; this agreement was signed by Paul Danish, a Boulder County Commissioner at the time. The clear intent of Boulder County was to cease all mining activity at Dowe Flats as of December 21, 2021.</p> <p>When CEMEX indicated to Boulder County that they would like an extension on their Dowe Flats permit back in 2019, Dale Case made it clear that any extension is out of the County's hands because of the covenant prohibiting mining held by Marigold. Unsurprisingly, CEMEX then went back and found a way to persuade Marigold to have the mining portion of that covenant removed, which was done in February 2020 and is why we are discussing this application today.</p> <p>Related, in their Draft Recommendation Planning Staff stated, "<i>Many of the impacts addressed in the criterion have already occurred; these impacts include alterations to the natural landscape and topography, the effects on Rabbit Mountain Natural Area, and the disturbance of the plant and animal habitats. The proposed extension of these mining activities would not result in any increase in the size of the mining pit; rather, the mining activities would go deeper in the same location. While the proposed extension would not result in any expansion of the area of disturbance, it would extend the period of the already existing impacts for an additional 15 years.</i>" In CEMEX's application, they state, "<i>If CEMEX, Inc. continues to mine the mineral resources that are all within the currently permitted disturbance boundary, no additional land will be disturbed.</i>" No additional land [in the boundary] will be disturbed. On a site visit of Dowe Flats with Good Neighbors of Lyons in March 2022, CEMEX's Michael Clausen spoke about future mining at Dowe Flats and pointed to an untouched section of land to show where they would like to continue mining. It is reasonable to assume there will be NEW and significant impact with 15 years of additional mining, but without a current environmental impact study, which should have been completed when this application was filed (but has not been done), how can staff say an additional 15 years of mining "will not result in an over-intensive use of land or excessive depletion of natural resources"?</p> <p>Staff also cites CEMEX's commitment to 'cease cement plant operations' as justification to meet this criteria, but Staff has repeatedly asserted that the plant is not part of this application and its impact should not be considered. Subsequently, this future benefit related to the plant should also be removed from consideration.</p> <p>For all of the above reasons, this criteria cannot be met.</p>
<p>(5) Will not have a material adverse effect on community capital improvement programs;</p>	<p>No</p>	<p>Planning Staff stated, "There is no indication the proposal will have an adverse effect on community capital improvement programs, and no referral agency has responded with such a concern." It appears that Staff either didn't read the Referral Response from the Town of Lyons, or chose to disregard it, as they were very clear about the adverse effects on their community, and that this application puts the development of the Eastern Corridor in jeopardy. Development that the Town needs for its own economic sustainability.</p> <p>Further, during the August 17th Planning Commission hearing, the applicant verbally agreed to the demolition of the plant as well as reclamation, but requested the qualifier "per DRMS guidelines." That was essentially a negotiation of the deal/proposal happening in real-time between Boulder County and the Applicant during the hearing, but about something that squarely falls in the Lyons Primary Planning Area per the 2012 IGA.</p> <p>As I read it, I believe the plan to demolish and reclaim per DRMS guidelines would require Lyons consent and agreement, much as the Municipal Facilities Area being optioned by Boulder County requires Lyons consent and agreement.</p> <p>This criteria cannot be met.</p>
<p>(6) Will not require a level of community facilities and services greater than that which is available;</p>	<p>Yes</p>	<p>Largely due to a lack of applicability to the application, this criterion can be met.</p>
<p>(7) Will support a multimodal transportation system and not result in significant negative impacts to the transportation system or traffic hazards;</p>	<p>Yes</p>	<p>Largely due to a lack of applicability to the application, this criterion can be met.</p>

<p>(8) Will not cause significant air, odor, water, or noise pollution;</p>	<p>No</p>	<p>An additional 15 years of plant operations would emit 5,400,000 tons of Co2, with an ultimate environmental cost of \$250M (a figure supported by recent case law). The CEMEX Lyons plant is responsible for approximately 7% of all County greenhouse gas emissions.</p> <p>Staff also cites CEMEX's commitment to 'cease cement plant operations' as justification to meet this criteria, but Staff has repeatedly asserted that the plant is not part of this application and its impact should not be considered. Subsequently, this future benefit related to the plant should also be removed from consideration, which means this criteria can not be met.</p>
<p>(9) Will be adequately buffered or screened to mitigate any undue visual impacts of the use;</p>	<p>No</p>	<p>Given the clear expiration date and intent for no mining to take place after that date as agreed to by the County, this is not an extension of a Special Use. This is a NEW special use and the "undue visual impacts" should be compared to the reclaimed state of the land, and the absence of the conveyor that connects Dowe Flats to the Lyons Quarry. The area surrounding Dowe Flats is predominantly open space, and any new mining and associated structures would be a scar on the landscape.</p> <p>In their draft recommendation, Boulder County's Planning and Permitting Division staff states that the visual impact of Dowe Flats is negligible. The conveyor belt that crosses Highway 66 from the Dowe Flats mine to the CEMEX Lyons plant is part of the Dowe Flats permit, thus making it part of the mine. The conveyor belt has been a frequent topic among locals for decades, and has even been nicknamed "The Brown Worm". It's highly visible to the community as well as the 4 million visitors who pass through Lyons every year when driving to Rocky Mountain National Park. All that's to say, this eye sore is hardly "negligible". This criteria can not be met.</p>
<p>(10) Will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County;</p>	<p>No</p>	<p>An additional 15 years of plant operations would emit 5,400,000 tons of Co2, with an ultimate environmental cost of \$250M (a figure supported by recent case law). The CEMEX Lyons plant is responsible for approximately 7% of all County greenhouse gas emissions. It is not a legally sound argument for Staff to include the future benefits of the plant in Special Review Items without also acknowledging the negative impacts of an additional 15 years of operations.</p> <p>Please review the environmental and public health violations provided by the Town of Lyons' Mayor, Hollie Rogin. This extensive list of violations includes detail that showcases CEMEX's history of not fixing the issues, but rather showing a strong preference for paying the fines instead of investing in upgrades to protect public health.</p> <p>CEMEX's Plant Manager, Erik Estrada, has said to members of the community that it makes more financial sense for CEMEX to pay the fines for their environmental violations than to fix the issues. Michael Clausen of CEMEX has also said, in various contexts, that the plant "would never do anything that would risk its permits". I believe he is referencing the plant's legal nonconforming status, and any improvements or accessories added would trigger a County review of the plant's nonconforming status, thus risking its permits altogether. All that is to say, CEMEX very literally does the bare minimum required as it pertains to protecting public health. And the bare minimum is generally just paying the fine, not protecting public health at all. That attitude is not limited to the plant, but also to the quarry.</p> <p>Please also note that the Boulder County Public Health Department's requests for conditions to be added to protect public health were disregarded in their entirety in the Planning Staff's draft recommendation with their legally false reasoning that the plant should be omitted from this application, despite including the plant themselves multiple times in their Supplemental Memo for reasoning to support the application.</p> <p>Staff also cites CEMEX's commitment to 'cease cement plant operations' as justification to meet this criteria, but Staff has repeatedly asserted that the plant is not part of this application and its impact should not be considered. Subsequently, this future benefit related to the plant should also be removed from consideration, which means this criteria can not be met.</p>

<p>(11) Will establish an appropriate balance between current and future economic, environmental, and societal needs by minimizing the consumption and inefficient use of energy, materials, minerals, water, land, and other finite resources;</p>	<p>No</p>	<p>Planning Staff cited “With the recommended conditions of approval, allowing the continued Open Mining use at the Dowe Flats quarry will establish an appropriate balance between accommodating societal and economic needs for cement and concrete...” as logic to support this criteria.</p> <p>Colorado actually produces a surplus of cement, and is a net exporter. From what I've found, Colorado ships out about 10% of our state's total production. And the CEMEX Lyons plant is a small operator (permitted with 1960s air quality standards) that only produces about 10% of our state's cement, so it's a bit of a wash. Cement is inexpensive and easy to move around (mostly by rail); 13 states in the US don't have any cement production and get cement just fine without paying exorbitant rates. There is so much new carbon capturing technology in cement production. The new cement plant in Florence, CO is using ground breaking technology that almost eliminates their carbon footprint entirely. Even a plant that's 20 years old produces 50% less emissions than a 50-year old plant like CEMEX Lyons. For that reason, I think we could only be so lucky to shift cement production to one of Colorado's other two facilities.</p> <p>Given Colorado's alternative cement production options, any perceived benefit received from local cement production does not outweigh the extreme and “inefficient use of energy, materials, minerals, water, land, and other finite resources” in Boulder County.</p> <p>Staff also cites CEMEX's commitment to 'cease cement plant operations' as justification to meet this criteria, but Staff has repeatedly asserted that the plant is not part of this application and its impact should not be considered. Subsequently, this future benefit related to the plant should also be removed from consideration, which means this criteria can not be met.</p>
<p>(12) Will not result in unreasonable risk of harm to people or property – both onsite and in the surrounding area – from natural hazards. Development or activity associated with the use must avoid natural hazards, including those on the subject property and those originating off-site with a reasonable likelihood of affecting the subject property. Natural hazards include, without limitation, expansive soils or claystone, subsiding soils, soil creep areas, or questionable soils where the safe-sustaining power of the soils is in doubt; landslides, mudslides, mudfalls, debris fans, unstable slopes, and rockfalls; flash flooding corridors, alluvial fans, floodways, floodplains, and flood-prone areas; and avalanche corridors; all as identified in the Comprehensive Plan Geologic Hazard and Constraint Areas Map or through the Special Review or Limited Impact Special Review process using the best available information. Best available information includes, without limitation, updated topographic or geologic data, Colorado Geologic Survey landslide or earth/debris flow data, interim floodplain mapping data, and creek planning studies.</p>	<p>No</p>	<p>Staff stated that the Natural Hazards at Dowe Flats are all a result of mining, and the area is not open to the public, so no increased risks are inherent in this application.</p> <p>First, given the clear expiration date and intent for no mining to take place after that date as agreed to by the County, this is not an extension of a Special Use. This is a NEW special use and the "risk of harm to people or property" should be compared to the reclaimed state of the land. This application, in the words of Planning Staff, would create “a number of geologic hazards on the subject parcel including steeply dipping and heaving bedrock, debris flow susceptibility areas, rockfall susceptibility areas, landslide high susceptibility areas, and high swelling soil potential areas”.</p> <p>Also, without a current environmental impact study, which should have been completed when this application was filed (but has not been done), how can staff say an additional 15 years of mining “would not result in unreasonable risk of harm to people or property – both onsite and in the surrounding area – from natural hazards”?</p> <p>It is also important to note on the topic of public access, that CEMEX has failed to adequately secure the Dowe Flats site from the public entering, as gates are generally left open and no other security is present. The open and accessible nature of both Dowe Flats and the Lyons Quarry are highly unusual for mining operations and create inherent risk for the public. This criteria can not be met.</p>
<p>(13) The proposed use shall not alter historic drainage patterns and/or flow rates unless the associated development includes acceptable mitigation measures to compensate for anticipated drainage impacts. The best available information should be used to evaluate these impacts, including without limitation the Boulder County Storm Drainage Criteria Manual, hydrologic evaluations to determine peak flows, floodplain mapping studies, updated topographic data, Colorado Geologic Survey landslide, earth/debris flow data, and creek planning studies, all as applicable given the context of the subject property and the application.</p>	<p>No</p>	<p>First, given the clear expiration date and intent for no mining to take place after that date as agreed to by the County, this is not an extension of a Special Use. This is a NEW special use and the discussion about drainage patterns should be based on that of a reclaimed site, as is scheduled to happen beginning in September 2022.</p> <p>Planning Staff states, “The original, historic drainage patterns on the subject property have already been significantly impacted. The requested extension of mining activities will not result in any additional changes to drainage patterns in the long-run”. Without a current environmental impact study, which should have been completed when this application was filed (but has not been done), how can staff say an additional 15 years of mining “would not alter historic drainage patterns and/or flow rates unless the associated development includes acceptable mitigation measures to compensate for anticipated drainage impacts”?</p> <p>Staff also cites CEMEX's commitment to 'cease cement plant operations' as justification to meet this criteria, but Staff has repeatedly asserted that the plant is not part of this application and its impact should not be considered. Subsequently, this future benefit related to the plant should also be removed from consideration.</p> <p>Given all of the above, this criteria cannot be met.</p>

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 10:22:36 AM

From: Claudia Kean <claudiakean@gmail.com>
Sent: Wednesday, August 31, 2022 10:20 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

To Boulder County Planning Commission and Boulder County Commissioners:

Thank you for taking the time to receive input on this very important matter. I have lived in Boulder County since 1975, and believe that the County leaders have always had the preservation of our environment high on the list of priorities. However, the extension of Cemex's mining permit flies in the face of environmental goals for our county, our nation, and the planet.

I see that the County staff has argued many legal points; whether or not the Dowe Flats mining is linked to the cement production plant or not, whether the plant can continue its operation without Dowe Flats, whether the word "indefinite" means a threat to continue polluting forever, or is relatively meaningless. You are missing the forest for the trees.

If Boulder County's purview includes:

Policy PH 1.01: Air Quality "Boulder County recognizes the direct and secondary health impacts of outdoor air pollution produced by industrial, vehicular and other sources. The county collaborates with industry, state and neighboring governments to respond to and mitigate the health impacts of poor air quality due to particulate matter, ground-level ozone, smoke from wildfires, greenhouse gasses and other air pollutants."

then it needs to take the larger view, and protect our climate from the emissions spewed out by Cemex. You have the legal right to stop the mining. That was the original agreement - mining would stop in September of 2022. If Cemex decides it wants to pursue bringing in material from elsewhere, they can try.

But we are in a climate crisis, as daily news will tell you, and unless they rebuild their plant to much higher standards, this may be difficult.

The argument that the County would benefit from the extension through payments of money and open space are weak. What good is more open space in the face of a drastically hotter planet? Do we call it "Great Sand Dunes North"? We need to keep our eye on the real problems we face, and if it means changing the way concrete is made then so be it. We love concrete. But we love clean air more.

Thank you,
Claudia Kean

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 10:22:45 AM

From: Ed Kean <edkean@yahoo.com>
Sent: Wednesday, August 31, 2022 10:21 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

To: BoCo Planning Commissioners and (CC: BoCo Commissioners) -

From: Edward Kean, Lyons / BoCo Resident (47 years BoCo (30 years Lyons))

My Comments for your consideration re: SU-22-003 (Cemex Dowe Flats Mine extension)

-

1) Are you really going to trust BoCo staff re: Dowe Flats is/is not directly connected to Cemex's Cement Plant in every way possible on earth - physical- via pipe, mine materials- going directly to plant to be made into cement, business- co-owned properties that are adjacent bisected only by State Hwy 66, permit - both mine and plant connected via State permits / reclamation plans/bonding.

2) Have you read the State emails I sent you last week via Planner L'Orange documenting the connection which your BoCo staff has apparently chosen to ignore in favor of a more recent email from the State which does not answer the question asked by staff? If you have are you going to ignore the State's clear statement that when Dowe Flats closes the cement plant must also close and the cement plant land be reclaimed to pasture? If you have not received and read these emails, why not?

3) Are you tempted to break all promises made many years ago to the public during the creation of this special use mine- "the mine will be done in 2022 and reclaimed to open space". If extending then how is it so easy to ignore the spirit of the promises made? Do you prefer to ignore the State clearly saying, in writing, that BoCo staff is wrong about interconnection and therefore continuing to make cement there is not possible and also makes no business sense without a connected mine?

4) Do you want to ignore the fact that BoCo regs require the plant to be brought into conformance which has been triggered and overlooked many times over the years? Has this been considered at all in this process? Why is this not part of this process?

5) Do you care enough about your grandchildren's future and current ability to live

comfortably on earth to look more deeply into why you may be tempted to approve this mine extension re: CO2 and other documented heinous emissions?

6) Are you really going to waste BoCo residents funds to defend an inevitable lawsuit if you approve this? Do you choose to ignore a successful attorney's public comments re: law, during the previous hearing?

7) Why do residents need to use lawsuits to make BoCo do the right things? Can we please be smarter and more caring than that?

Edward Kean
228 Welch Drive, Lyons 80540
Cell 303-589-2727
Ed@Bluegrass.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 10:42:05 AM
Attachments: [SU-22-0003 BCCP Compliance 8.31.22.pdf](#)
[SU-22-0003 Special Review Criteria Compliance 8.31.22.pdf](#)
[SU-22-0003 - Letter from Sarah Lorang 8.31.22.pdf](#)

[@L'Orange, Pete](#)

From: Gerry West <gerry_west@yahoo.com>
Sent: Wednesday, August 31, 2022 10:40 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

August 31, 2022

To the Boulder County Planning Commission:

My name is Gerry West, and I live at 6535 McCall Drive, Longmont (off HWY 66). I am writing in regard to SU-22-0003, specifically the Supplemental Memo to Staff Recommendation provided by Planning Staff on August 26th.

I am in complete agreement with the attached documents.

Please save our St Vrain Valley!!

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] Fwd: SU-22-003
Date: Wednesday, August 31, 2022 10:56:14 AM
Attachments: [SU-22-0003 BCCP Compliance 8.31.22.pdf](#)
[SU-22-0003 Special Review Criteria Compliance 8.31.22.pdf](#)
[SU-22-0003 - Letter from Sarah Lorang 8.31.22.pdf](#)

[@L'Orange, Pete](#)

From: Chris West <chris.james.west@gmail.com>
Sent: Wednesday, August 31, 2022 10:47 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] Fwd: SU-22-003

August 31, 2022

To the Boulder County Planning Commission:

My name is Chris West, and I live at 6535 McCall Drive, Longmont, off HWY 66. I am writing in regard to SU-22-0003, specifically the Supplemental Memo to Staff Recommendation provided by Planning Staff on August 26th.

I am in agreement with the attached documents.

Thank You,
Chris West

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 11:13:39 AM

[@L'Orange, Pete](#)

From: Hannah (Sturm) Brotherton <hannahdsturm@gmail.com>
Sent: Wednesday, August 31, 2022 11:04 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Hello-

I wanted to connect in regards to the renewal of CEMEX to mine here in Boulder county. As you are well aware the CEmex is the number 1 polluter in Boulder County and the continuation of their mining puts all of our communities health at risk. I know that there are always financial and environmental factors at play when you make these decisions, but as a community it is our time to start to move in the right direction. Our children will bear the weight of our choices in the future, let's not put this burden on them.

That is why I am strongly encouraging you to not renew CEMEX's additional 15 years of mining, we need to do all that we can to protect our precious environment and the future.

Best regards.

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 11:13:52 AM

@L'Orange, Pete

-----Original Message-----

From: Andysepac@everyactioncustom.com <Andysepac@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 11:09 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
David Sepac
Lyons, CO 80540
Andysepac@aol.com

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 11:53:56 AM
Attachments: [SU-22-0003 - Letter from Sarah Lorang 8.31.22.pdf](#)
[SU-22-0003 Special Review Criteria Compliance 8.31.22.pdf](#)
[SU-22-0003 BCCP Compliance 8.31.22.pdf](#)

From: Amber Revoir <arevoir@gmail.com>
Sent: Wednesday, August 31, 2022 11:24 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Hello,

I am resharing Sarah Lorang's letter and supporting documents (3 attachments) for your consideration. I agree with and support Sarah's content, *against* proceeding with additional mining @ Dowe Flats.

Thanks for your time,

Amber Revoir, Lyons Resident
645 3rd Ave, Lyons, CO 80540

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 11:54:12 AM
Attachments: [Signature Line.png](#)

From: Lesley Glenner <holobeing@gmail.com>
Sent: Wednesday, August 31, 2022 11:40 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

To the Boulder County Planning Commission:

My name is Lesley Glenner, I have a 2nd grade child attending Lyons Elementary School. I am writing in regard to SU-22-0003, specifically the Supplemental Memo to Staff Recommendation provided by Planning Staff on August 26th.

I have become educated about the issues pertaining to the renewal of CEMEX's mining lease at Dowe Flats and feel horrified to learn about the laundry list of environmental violations and impacts. It is my understanding that the process to continue allowing CEMEX to lease the land is illogical, takes advantage and does not align with Boulder Counties values.

My friend, Sarah Lorang has spend months understanding and analyzing the processes. I stand with her assertions.

Thank you for your time and attention to this. I appreciate your role, as citizen volunteers, in our local government's process. We need your attention of that ALL stakeholders are heard. Thank you again.
Lesley Glenner



LESLEY GLENNER MA
HOLOBEING WHOLENESS CENTER
FOUNDER
WWW.HOLOBEING.COM
(720) 244-9665

30 August 2022

Note to the BOCO Planning Staff, BOCO Environmental Health & Air Quality Dept and the Parks and Open Space Dept.

This memo is in response to the request for written input to **Docket SU-22-0003: Dowe Flats Mining and Reclamation Extension**. In particular, the request for additional information regarding the cumulative public health effects of 15 more years of operations.

I will focus my report on only one parameter, but I believe similar results would be obtained if one were to look at any other pollutant.

In the Docket memo, Dowe Flats quarry claims that its actual emissions of Fugitive Particulate Matter <10 microns (PM10) is 31.7 tons/year. Does this present a danger to the residents of the Town Of Lyons (TOL)?

It appears that the public health impacts of PM10 are not necessarily cumulative but rather acute based on short term exposure to high concentrations. Therefore the safe daily limit set by the EPA for this pollutant is 150 $\mu\text{g}/\text{m}^3$. The EPA does not set an annual exposure limit because this is not as much a risk as direct exposure to high concentrations.

So already there's obscurity in the reported data before this question can be answered. To really understand the risk we should ask what could happen if the wind is blowing all the PM10 at the TOL.

Let's assume there are 260 workdays/year, then 31.7 tons/year corresponds to about 1.1×10^{11} $\mu\text{g}/\text{day}$. And what is the volume of the TOL? If we assume the area of the town to be 1.363 miles² and then allow the height of the air mass to be 10m, the volume of the TOL is about $3.53 \times 10^7 \text{m}^3$.

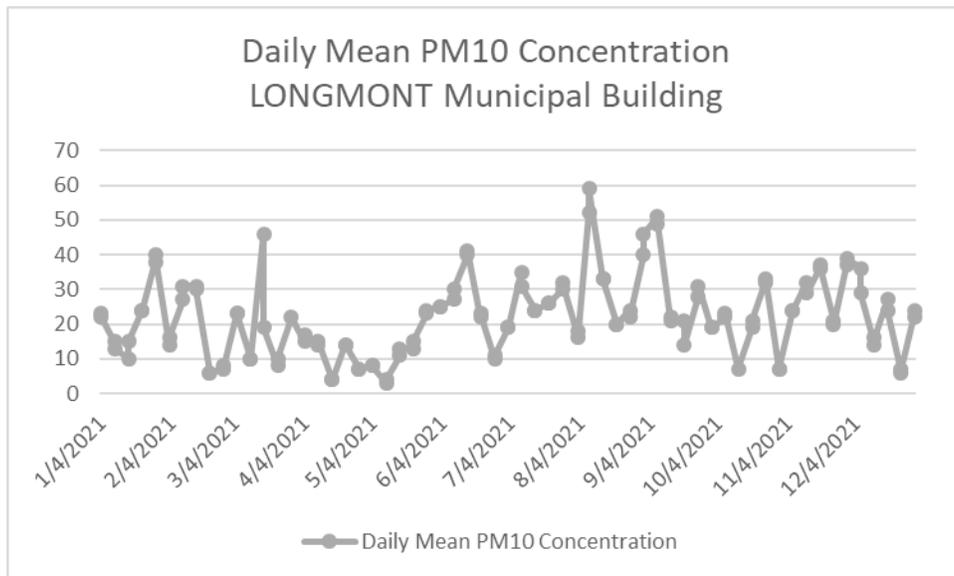
Let's assume the wind is blowing westward so the TOL is directly downwind of Dowe Flats. On that day, if all the daily PM10 emissions end up passing through the TOL air mass, what would the effective concentration that the citizens of the TOL would experience?

The answer is over 3,000 $\mu\text{g}/\text{m}^3$ or over 20 times the healthy limit.

Of course, the wind doesn't deposit all the PM10 over the TOL on a consistent basis, but it is not unrealistic to believe that on some days it happens. This calculation is intended to show that even under moderate conditions, the TOL is subjected to an unhealthy dose of PM10.

The health impacts of such large exposures are easy to read about in the scientific literature. For example, the likelihood of the onset of illness with flu-like symptoms roughly doubled when a town was exposed to PM10 of about 50 $\mu\text{g}/\text{m}^3$. [See <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8065612/>]

Interesting in theory...but what about some data? The closest data collection site is in Longmont, which is downwind but roughly 10 miles away. So obviously the PM10 emitted by the



Dowe Flats activity would be attenuated by the time it reaches the Longmont Municipal Building where the air is monitored. But the data shows something worth noting. The mean concentration is about 22 µg/m³ which is well below the levels of concern. However, the standard deviation is about 52%, meaning that there are large swings in air quality. The cause of this variability cannot be determined from this single data set without more context such as wind direction.

So, in my personal opinion, by just looking closely at one of their reported emission levels, there is ample evidence to suspect that on many days, when the wind blows westward, that the PM10 exceeds safe limits for the citizens of the TOL.

Respectfully submitted by Daniel Ziskin, PhD, an atmospheric scientist employed by NCAR, but speaking as a private citizen of Boulder County.

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 11:54:46 AM

-----Original Message-----

From: josh shelton <djoshshelton@gmail.com>
Sent: Wednesday, August 31, 2022 11:34 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

My name is Josh Shelton, and along with my family, I live at 127 Falcon Ln in Lyons. I'm writing to voice my strong opposition to Cemex's request to operate for another 15 years at Dowe Flats. I've read the proposal as well as the rebuttals, and I can find no overwhelming support to allow their continuance, while conversely finding myriad reasons to deny it.

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 1:01:27 PM

[@L'Orange, Pete](#)

From: trudie Webster <seagulltrudie@gmail.com>
Sent: Wednesday, August 31, 2022 12:58 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Greetings to Boulder County Planning Commission and to Boulder County Commissioners:

I am asking again that you first consider the community surrounding the Cemex Plant and Mining area and realize that we in the immediate community have to breath the air that this bad corporate neighbor who cares nothing of our health be given the green light to continue its unhealthy business on into the future.

We have had to put up with innumerable plant upsets, layers of film on everything after the plant has been working through the night, their ongoing truck traffic (which now includes those big rigs jake-braking - most likely on purpose - through our neighborhoods), bringing in by train tires for incineration at their plant (we had to put up a big fight on that issue), and lastly to the fact that Cemex emits so much pollution as to be one of Boulder County's TOP polluters.

I cannot understand why Boulder County would throw those living close to this plant under the train in order to grab that land grab carrot dangling in front of them. Are our lives and standard of good health not worth it?

Please reconsider your position on Cemex. They are not a good corporation for Boulder County, they care nothing about those living around the plant, or how much pollution they are spewing into the air around us, they only care about \$\$\$\$\$\$\$\$.

Sincerely,

Trudie Webster
6604 McCall Dr
Longmont, CO 80503

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] Extension of Dowe Flats permit for Cemex
Date: Wednesday, August 31, 2022 1:01:45 PM

@L'Orange, Pete

-----Original Message-----

From: Lisa Rollo <lisarollomsp@gmail.com>
Sent: Wednesday, August 31, 2022 12:59 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] Extension of Dowe Flats permit for Cemex

Dear Boulder County Planning Commission,

My husband and I live at 12995 N. 66th street, we built our home in 2008 and have a small hay farm. Over the years this community has grown around us creating more traffic on highway 66, but the large trucks carrying rock to Cemex coming from I25, and leaving Cemex to I25 have put our ENTIRE COMMUNITY at risk. Highway 66 is a very dangerous highway due to no turn lanes, if you have to turn left or right when not in a intersection you are at risk. The large Cemex trucks are a hazard that this community has had enough of. The highway has been ravaged from these trucks, the gravel thrown from them over the years have cost my husband and I several windshields and the pollution from these trucks is ever present daily. Our community is filled with farmers, outdoor enthusiasts, and people just wanting to stay healthy and alive. Cemex, has been a regrettable part of this community, they pose a threat to our health, safety and well being. Cemex brings nothing positive to this ever growing community, and if the permit is extended another 15 years, the highway and people will suffer from the never ending trucks barreling down the highway spewing dust, exhaust, and rocks.

We deserve the right to oppose this permit extension, and remind Boulder County Land Use of their "Mission Statement" that states~

"We are committed to preservation of the integrity of our landscape, conservation of natural resources for a sustainable future, and provision of safety and well being of the citizens of Boulder County through the best in service, public policy, and process."

We can only hope that the Commissioners, and Planners of Boulder County read this "Mission Statement" and realize that the time has come for OUR community to be able to leave our homes and drive on highway 66 without the constant gravel truck bearing down on you, with no regard to your safety, or the community's well being.

Lisa and Van Rollo

Sent from Lisa's iPadPro

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 1:08:57 PM

@L'Orange, Pete

-----Original Message-----

From: ntlester@everyactioncustom.com <ntlester@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 1:06 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

As you are well aware, the Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension while disregarding the comments from the Town of Lyons and Department of Public Health.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. Please consider environmental consequences -- exploiting our planet is no longer inconsequential!! DENY the permit.

Sincerely,
NT Lester
Longmont, CO 80501
ntlester@comcast.net

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 1:09:12 PM

@L'Orange, Pete

-----Original Message-----

From: jus2bhobby@everyactioncustom.com <jus2bhobby@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 1:09 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit. I own land in Co .

Sincerely,
Ms Gillian Collins
Kailua Kona, HI 96740
jus2bhobby@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] Cemex
Date: Wednesday, August 31, 2022 1:09:33 PM

[@L'Orange, Pete](#)

From: Lois Hickman <loisehickman@gmail.com>
Sent: Wednesday, August 31, 2022 1:08 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Cemex

To the Planning Commission, Boulder County

My name is Lois Hickman, and I live with my four-generation family directly across
My name is Lois Hickman. I live with my 4 generation family, directly across from the Cemex plant on highway 66. I have lived in Boulder County for 62 years, and on this Family Trust Farm for 21 years. We live here very deliberately to stand strong in the face of the Cemex corporation giant. We are an example of healthy, beautiful biodiversity in contrast to barren destruction and pollution across the highway from us.

We have endured the noise, air, light, and traffic pollution for years, expecting it to stop as promised. It has gotten progressively worse with more truck traffic, more train noise (even at night), and It must STOP. Dust from the plant settles on our home and gardens, and is very dangerous for us and the children who come here to breathe.. Permitting 15 more years of this insult to the environment and to all who live in this community is inexcusable.

This organic farm is dedicated to providing a place for therapy for children with developmental challenges, and as a place that helps them and their parents have a meaningful connection with the Earth through all that an organic farm can provide.
Say NO to the permit. Listen to us and all of our Lyons community.

Lois Hickman
5125 Ute Highway
Longmont Colorado 80503
720 278 4763

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 1:33:10 PM

From: Colorado Gardener <cogardener@gmail.com>
Sent: Wednesday, August 31, 2022 1:27 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planning Commission,

During the several decades I've lived in unincorporated Boulder County I've witnessed the same scenario many times. A special use permit renewal or application comes up for an operation that has long lasting effects on the environment and the surrounding community. Boulder County professes to care about both the community and the environment, often holds a community meeting to assure the public that they care and will do everything possible to address all concerns, and then decides in favor of the corporation, whether due to legal fears, land swap deals, or whatever. The community feels cheated, organizes, fundraises, hires a lawyer, goes to various meetings to be heard and challenge staff recommendations. Eventually, over a period of years usually, and at great expense, the public has often prevailed, whether in the case of proposed incineration of toxic waste at Syntex (now Roche), tire burning at Cemex or mining in the same area near Lyons & Hygiene by Martin Marietta. So maybe it's easy to see why many of us remain skeptical about the County's conviction and ability to negotiate the best deal for the community and the long term health of the environment.

Cemex is an inherently dirty & polluting operation. Many of us have lived with a regular coating of toxic ash on our windshields, views of dust clouds and periodic upsets at Cemex for decades. I won't repeat the many other concerns that have been addressed by others. Even if the company is sincere, it seems that they are simply unable to run a clean operation without exceeding regulated emissions.

We have looked forward to the expiration of Cemex's permit for years. To think that Boulder County might grant a long term extension with no certainty that the plant will actually close (i.e., won't be sold to another mining company), that tires will never be burned there again, and that the health hazards we've endured for so long will continue is just a slap in the face.

At a St Vrain & Left Hand Water annual meeting a few years ago, I talked with Gov. Polis' Natural Resources director who told me that the St Vrain River at Lyons has the greatest diversity of native fish species anywhere on the Front Range - one important marker of the value of this ecosystem that I've never heard referenced in any permit renewal discussion.

While eventual acquisition of Open Space is a driving factor - and one that is popular with the public - those of us who have contributed tax \$ and voted for it repeatedly have also seen some mismanagement & questionable land use practices. Many of us won't see any tangible benefit from much of these acquisitions in our lifetime - we know it's an investment in the future. But at any cost? In the case of Cemex (and Martin Marietta) at this point in time I think not. The cost is just too great.

Thank you,
Jane Shellenberger
11158 N 66th St
Longmont, CO 80503

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 1:44:34 PM

@L'Orange, Pete

-----Original Message-----

From: charla73@everyactioncustom.com <charla73@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 1:35 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Ms. Charla Wright
Erie, CO 80516
charla73@comcast.net

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 1:47:16 PM

@L'Orange, Pete

Jeez - it may have been easier to have a dedicated mailbox like we had for the ADU docket! B

-----Original Message-----

From: mkheadley80503@everyactioncustom.com <mkheadley80503@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 1:46 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

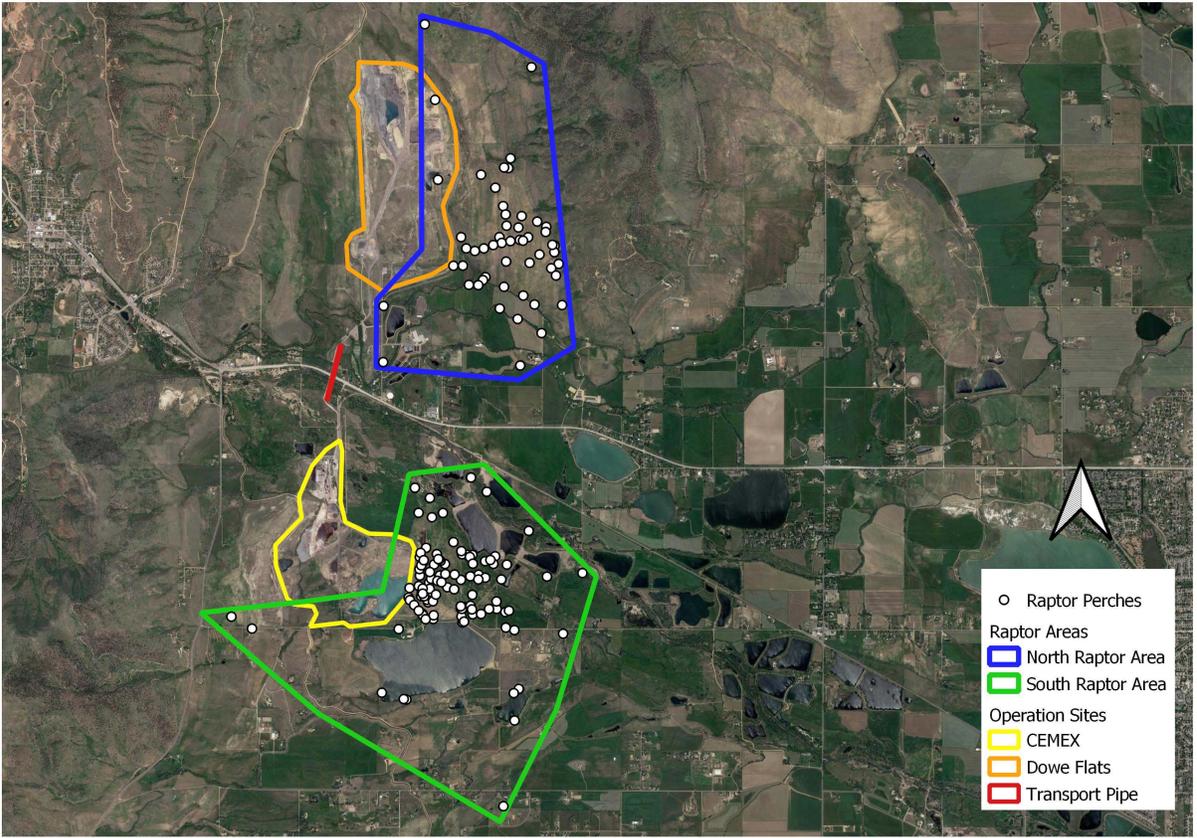
I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Ms. Mary Headley
Longmont, CO 80501
mkheadley80503@yahoo.com



From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 2:34:03 PM

@L'Orange, Pete

-----Original Message-----

From: tpdelker@everyactioncustom.com <tpdelker@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 2:23 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Dr. Thomas Delker
Lyons, CO 80540
tpdelker@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 2:34:32 PM

@L'Orange, Pete

-----Original Message-----

From: jessica.rae.shaver@everyactioncustom.com <jessica.rae.shaver@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 2:30 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Jessica Shaver
Longmont, CO 80501
jessica.rae.shaver@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 2:34:41 PM

@L'Orange, Pete

-----Original Message-----

From: jorgeart10@everyactioncustom.com <jorgeart10@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 2:31 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Jorge Arteaga
Longmont, CO 80501
jorgeart10@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003 - Opposition to the Dowe Flats permit extension
Date: Wednesday, August 31, 2022 2:46:31 PM

[@L'Orange, Pete](#)

From: Linda Dunlap <honudream@gmail.com>
Sent: Wednesday, August 31, 2022 2:38 PM
To: LU Land Use Planner <planner@bouldercounty.org>; Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003 - Opposition to the Dowe Flats permit extension

Dear Boulder County Planning Commission,

I am writing to you in opposition of the extension of the Dowe Flats permit for Cemex. My husband and I live just off of Highway 66 and travel that road on a regular basis. Our property also backs up to the open space area adjacent to Cemex.

When we bought our property over 10 years ago, we were aware of the timelines of the permits related to the Cemex and Dowe Flats operations. We have been counting down the years, months, and now weeks until these operations cease. In the decade we've lived here, the traffic on Highway 66 has increased substantially. The truck activity in and around Cemex is not something that should be allowed to continue in an area as populated as this has become. The next 15 years will only see more local development and traffic. The Dowe Flats permit is up and should not be extended.

I know the Town of Lyons expressed a number of concerns to you, and Boulder County Public Health also made their voice heard. We all know Cemex is the #1 polluter in Boulder County, and their detrimental impact on the community is significant. I urge you to hear the voices of those of us most directly affected by this company and its operations. Please support the people you represent and the quality of life in Boulder County... not big corporations, whose real interests as we all know are purely financial. It's time for their permits to expire and operations to cease in this location.

Thank you,
Linda Dunlap
12281 N. 63rd Street
Longmont, CO 80503

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 2:46:42 PM

@L'Orange, Pete

-----Original Message-----

From: 4pauldreyer@everyactioncustom.com <4pauldreyer@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 2:41 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

As you know, this mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Paul Dreyer
Lyons, CO 80540
4pauldreyer@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 2:46:52 PM

[@L'Orange, Pete](#)

From: gsparks@nwi.net <gsparks@nwi.net>
Sent: Wednesday, August 31, 2022 2:46 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

To the Boulder County Planning Commission:

My name is Gil Sparks and I live at 2169 Apple Valley Rd, Lyons, Co.

I am not available to provide testimony at the scheduled September 1st hearing and instead am writing in regard to SU-22-0003. Specifically, the Supplemental Memo to Staff Recommendation ("Supplemental Memo") provided by Planning Staff on August 26th.

I am a retired attorney and provided testimony at the initial Planning Commission hearing. I opposed Cemex's application for an extension of the Dowe Flats Mining permit.

I have read the Supplemental Memo and Sarah Lorang's August 31, 2022 letter to the Commission.

I also emailed Michael Clausen and requested an opportunity to speak to him for further clarification. He has not responded to my request.

In my view, the Supplemental Memo does not sufficiently address the Commission's request for additional information. Nor does the Supplemental Memo provide an adequate legal or practical basis for the Commission to approve Cemex's extension request.

I support Ms. Lorang's analysis and comments, as she has dedicated substantial time and energy to thoughtfully and cogently analyze the Supplemental Memo.

In my view, the Supplemental Memo does not provide any viable basis for the Commissioners to approve the extension request. I urge the Commissioner's to vote to deny Cemex's application for an extension of the Dowe Flats Mining permit.

Respectfully,

Gil Sparks
509-679-3346

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: Cemex Statement.....
Date: Wednesday, August 31, 2022 3:01:40 PM

[@L'Orange, Pete](#)

From: Sally King <sallywhiteking@live.com>
Sent: Wednesday, August 31, 2022 2:50 PM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Cc: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Cemex Statement.....

Dear Boulder County Commissioners,

Please say no to an extension for Cemex's deal . It is my feeling that the company will not continue to run the business if the lease is not extended because of the increased costs of shipping and that this is just a threatening tactic. And let's not fall for "the more open space trade" they are making, it confuses the issue. This is big business toying with a town's people and a county.

We, the people of Lyons, have been counting the years until Cemex would leave. It's up to us to care of our local piece of earth and sky. Particulates from the cement plant have been found in the waters in Rocky Mountain National park. It's time for the pollution to stop.

Dear County Officials, Please Say NO!

In gratitude, Sally King

(artist of The Bears)

PS,

For years we had a group called The Watch Dogs who documented the infractions of Cemex, releasing extra pollution at night, etc. Many people donated their time to get the word out that Cemex was not good neighbor. Let's make that work count!

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] Ask a Planner - Sheldon Sands - SU-22-0003 - 1612 Green Place, Longmont, CO 80501
Date: Wednesday, August 31, 2022 3:01:54 PM

[@L'Orange, Pete](#)

From: Ask A Planner <no-reply@wufoo.com>
Sent: Wednesday, August 31, 2022 2:52 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Ask a Planner - Sheldon Sands - SU-22-0003 - 1612 Green Place, Longmont, CO 80501

Boulder County Property Address : 1612 Green Place, Longmont, CO 80501

If your comments are regarding a specific Docket, please enter the Docket number: SU-22-0003

Name: Sheldon Sands

Email Address: sheldonjsands@gmail.com

Phone Number: (303) 807-8735

Please enter your question or comment: To the Boulder County Planning Commission:

I am writing in regard to SU-22-0003, specifically the Supplemental Memo to Staff Recommendation provided by Planning Staff on August 26th.

Below are 3 excellent articles of significance on public health and the environment regarding the Dowe Flats mining operation; and seperately, the Lyons Quarry/CEMEX plant, which in fact is inextricably linked to the mine both legally and in the viability of CEMEX's financial interests.

In Planning Staff's Supplemental Memo, Mr. L'Orange said that there is no additional environmental impact with this application because the boundaries are not being extended. Is that really true though? People have assumed this means that CEMEX just plans to dig deeper pits, not dig new ones. However, It is reasonable to assume new pits within the boundaries will be dug, and that there will be NEW and significant impact with 15 years of additional mining. However, without a current environmental impact study, which should have been completed when this application was filed (but has not been done), how can staff make any assertions at all about this? Without proper due diligence on the environmental impacts of an additional 15 years of mining (and what Mr. L'Orange provided is not acceptable), Special Review Criteria items 2, 4, 12, and 13 can not be met.

With only 3 full business days given to the Boulder County community to prepare comment with meaningful content to the Planning Commission, the best I can do is draw upon well researched and documented studies of similar worldwide cement mining and production facilities and their impacts on public health and the environment. I am also attaching a document personally authored by NCAR scientist Daniel Ziskin, which directly does address Public Health concerns surrounding the local CEMEX complex.

Note: excerpts and edits contained below, for full article, copy and paste URL into browser.

ENVIRONMENTAL HAZARDS OF LIMESTONE MINING

September 26, 2017 By David Barber

<https://tinyurl.com/y326e5np>

Highlights: Short article focuses on the effects on groundwater, subsidence, habitat destruction and dust (Limestone extraction being the principal work of the Dowe Flats Mine)

Limestone, composed mostly of calcium carbonate, is used primarily to produce Portland cement for the building industry. Limestone is a karst-forming rock, which produces landforms that are formed by dissolution, and represents about 10 percent of the world's land surface. But limestone cannot be mined without impacting the environment.

Groundwater quality can be affected by quarrying limestone by increasing sediment and accidental spills directly into the aquifers. These contaminants can also include material like oil and gas from mining equipment. Because contaminants in groundwater move faster through limestone than other types of rocks, quarries in karst areas must be especially careful. Quarrying also removes the entire subcutaneous zone, an important ground-water storage area. Pumping water out of underground mines changes the direction and the amount of groundwater flow. When the operation of a quarry or mine ends, the direct impacts on groundwater quality may decrease, but the long-term contamination can persist.

Limestone is often mined from a quarry. However, underground limestone mines can be found in the central and eastern United States, especially near cities. Underground mining of limestone can cause a cascading environmental impact. Mining in the karst can lower the water table, which removes the support of rock that overlies water-filled caverns, which can create sinkholes.

Dust is one of the most visible impacts associated with limestone quarrying due to the drilling, crushing and screening of the rock. The mine site conditions can affect the impact of dust generated during extraction, including rock properties, moisture, ambient air currents and prevailing winds, and the proximity to population centers. Fugitive dust can escape from trucks traveling on excavation haul roads and from blasting. This airborne dust can travel long distances from a mining site and affect urban and rural residential areas downwind.

CEMENT PLANTS

Health effects for the population living near a cement plant: An epidemiological assessment
Science Direct 2012. <https://tinyurl.com/mxjrmrjw>

Highlights of the above link:

► We estimated the risk of hospital admissions for the population living near a cement plant. ► We used a case-control methodology and a GIS instrument to assess exposure to NO_x. ► We found an association between NO_x with respiratory and cardiovascular pathologies. ► Children appeared to be a particularly susceptible group (3 schools surround the plant and mine within 2 miles. The distance of the public from the dust is relevant see below.)

VARIATION IN EXPOSURE TO CEMENT DUST IN RELATION TO DISTANCE FROM CEMENT COMPANY
Yahaya Tajudeen and Joy Okpuzor, 2011 <https://tinyurl.com/mekc3txz>

Conclusion:

We report that rats exposed to cement dust exhibit histopathology changes in lung tissue as a result of cytotoxic agents emanating from the cement factory. The studies confirm that the amounts of the elements lodged in rats' organs increased with closeness to the factory and length of exposure. Predictably, it is suggested that humans living or working within the vicinity of cement plants may be victims of the same health hazards reported for the experimental rats. We therefore recommend that there is an urgent need for government agencies charged with environmental and health protection, to inspect cement factories from time to time and enforce the use of more efficient, low emission modern machines to reduce the amount of cement dust emitted into the environment. In addition, there should be legislation on the minimum distance between air polluting factories and residential areas. It is also important that residents of cement dust pollution prone zones, who may not be aware of the hazards of exposure to cement dust, need to be enlightened and protected as most of them are peasant farmers with limited or no education. Finally, the regulatory Agencies should be more committed to monitoring industrial activities generally to minimize all forms of environmental pollution including air pollution from cement dust emission.

Diseases caused by Cement dust - Atomic absorption spectroscopy of the lung tissues of the exposed rats showed significant levels of calcium, silicon, aluminum, chromium and lead compared to the un-exposed rats ($p < 0.05$). The histopathology study of the lung tissues of the exposed rats showed abnormal alveolar architecture, disrupted bronchus, damaged bronchioles, degenerated epithelium lining, weak respiratory connective tissues, inflammations and blue-black pigments. Some of the exposed rats died before the end of the exposure. The results of the investigation highlight the hazards of prolonged exposure to cement dust and underscore the need for urgent action for the protection of animals and plants.

Respirable Crystalline Silica (RCS) may cause cancer Limestone is a naturally occurring mineral complex that contains varying quantities of quartz (crystalline silica). In its natural bulk state, limestone is not a known health hazard.

Eye contact: Limestone dust: May cause irritation through mechanical abrasion. Inhalation: Repeated inhalation of respirable crystalline silica (quartz) may cause silicosis, a fibrosis (scarring) of the lungs. Silicosis is irreversible and may be fatal.

8.3.3 Impacts on Air Quality —H. Ganapathi and M. Phukan

Emission of particulate matter is associated with various mining operations like excavations, construction of haul road and approach roads, drilling and blasting and transportation of minerals. Dust emissions are of great concern related to air quality surrounding mines. Air-blown particles from the stockpile of excavated material also raise the content of particulate matter in the air. Gaseous pollutants like sulphur dioxide (SO₂) and oxides of nitrogen (NO_x) are emitted from the Heavy Earth Moving Machineries (HEMM) like dumpers and excavators (Lamare and Singh 2016).

I thank you for your efforts and hope you will consider these findings closely in coming to your

decision. The application for an "extension" does not meet criteria and will be strongly opposed by the residents of Boulder County (once they digest what was stealthfully crafted to bypass their understanding and approval) Please and do what is right. DO NOT GIVE CEMEX AN EXTENTION ON DOWE FLATS MINE! -Sheldon Sands

Attach a photo or document (optional): <https://bouldercounty.wufoo.com/cabinet/b7fcc1a9-4e1f-46c0-aa4d-7a4f9e0bc0fb> - 104.66 KB

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 3:36:39 PM

@L'Orange, Pete

-----Original Message-----

From: crankbite@everyactioncustom.com <crankbite@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 3:33 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
paul howes
Boulder, CO 80305
crankbite@aol.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 3:44:18 PM

@L'Orange, Pete

-----Original Message-----

From: Chris@everyactioncustom.com <Chris@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 3:43 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Chris Bentley
Louisville, CO 80027
Chris@BentleyMarketingPlus.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 3:57:15 PM

@L'Orange, Pete

-----Original Message-----

From: katechristensen1@everyactioncustom.com <katechristensen1@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 3:53 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Kate Christensen
Lafayette, CO 80026
katechristensen1@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] cemex, Dowe Flats
Date: Wednesday, August 31, 2022 4:07:58 PM

@L'Orange, Pete

-----Original Message-----

From: tom knorr <tomknorr2@gmail.com>
Sent: Wednesday, August 31, 2022 4:04 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] cemex, Dowe Flats

Greetings,

I'm a Colorado native and forty year resident of Boulder County writing to express my heartfelt opposition to the extension and continuation of mining operations at Dowe Flats.

It is my opinion that the citizens of the area are due a break from the continuous dust, noise, light and congested, dangerous traffic.

Please do not allow Cemex operations this lifeline. They currently import materials. Extending the permit to mine will not alleviate that fact.

It makes very little sense to allow the cement plant to operate as an island, isolated from -and dependent upon- distant sources of raw materials. Plants can be moved. Material sources cannot.

Your predecessors negotiated in good faith. Cemex should be held to the same standard.

Thank you.

-Tom

Sent from my iPhone

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 4:18:58 PM

@L'Orange, Pete

-----Original Message-----

From: drb@everyactioncustom.com <drb@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 4:09 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Rabbi Deborah Bronstein
Boulder, CO 80303
drb@harhashem.org

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 4:19:17 PM

@L'Orange, Pete

-----Original Message-----

From: sasecord3@everyactioncustom.com <sasecord3@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 4:14 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Susan Secord
Boulder, CO 80305
sasecord3@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 4:19:32 PM
Attachments: [SU-22-0003 Special Review Criteria Compliance 8.31.22.pdf](#)
[SU-22-0003 - Letter from Sarah Lorang 8.31.22.pdf](#)
[SU-22-0003 BCCP Compliance 8.31.22.pdf](#)

[@L'Orange, Pete](#)

From: Diana vann <dvann007@gmail.com>
Sent: Wednesday, August 31, 2022 4:14 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

August 31, 2022

To the Boulder County Planning Commission:

My name is Diana Vann, and I live at 12996 Foothills Highway. I am writing in regard to SU-22-0003. I am in full agreement with Sarah Lorang and am attaching her letter and documentation as to why CEMEX should not be allowed to extend any operations at Dowe Flats.

Thank you for your time,
Diana Vann

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 4:19:40 PM

@L'Orange, Pete

-----Original Message-----

From: cafr1977@everyactioncustom.com <cafr1977@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 4:16 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Caroline Frischmon
Boulder, CO 80303
cafr1977@colorado.edu

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 5:02:15 PM

[@L'Orange, Pete](#)

From: Agnes Rey Giraud <argpink@gmail.com>
Sent: Wednesday, August 31, 2022 4:55 PM
To: LU Land Use Planner <planner@bouldercounty.org>; Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Please do not grant the CEMEX extension request.

I ask this for several reasons:

- The pollutants released into the air are unacceptable. Residents of Colorado, Boulder County and Lyons deserve better.
- The light pollution is disruptive to wildlife, an energy drain and an eyesore.
- CEMEX has operated in bad faith, wracking up fines and not installing new, less polluting equipment and processes that are readily available—but not cost-free.
- CEMEX gives little back to its community,
- A promise was made by CEMEX to cease operations. A promise should be kept.
- Boulder County enforces strict regulations on new homes, such as exterior lighting, home colors, home height and so on. It's hypocritical to hold for-profit enterprise to much lower standards than homes.

I urge you to do the right thing and deny CEMEX's request.

--

Agnes Rey-Giraud
15433 Mossrock ct, Longmont CO 80503
314-607-2581

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Thursday, September 1, 2022 7:18:35 AM
Attachments: [SU-22-0003 BCCP Compliance 8.31.22.pdf](#)
[SU-22-0003 Special Review Criteria Compliance 8.31.22.pdf](#)
[SU-22-0003 - Letter from Sarah Lorang 8.31.22.pdf](#)

[@L'Orange, Pete](#)

From: Allison Schultz <ali@reboot.io>
Sent: Wednesday, August 31, 2022 8:49 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

To whom it may concern:

I am in agreement with Sarah Lorang's letter below. Couldn't have said it better.

Thank you for reading and for hearing us.

Ali

--

Allison Schultz | [Reboot.io](#)
303.859.3989 | ali@reboot.io

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Thursday, September 1, 2022 7:17:26 AM

[@L'Orange, Pete](#)

From: A Wolf <wolfco9@gmail.com>
Sent: Wednesday, August 31, 2022 7:48 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

August 31, 2022

To the Boulder County Planning Commission:

My name is Alix Wolf and my address is 4964 Caribou Springs Trail. I am writing in regards to the Cemex mining of Dowe Flats and the Cemex plant. I was aware of the expiration of the Cemex's permit in September of this year. I took this into consideration when we purchased a house closer to the plant with the expectation that mining and plant operations would be coming to an end within the following year of our move. To say the least, I'm beside myself to learn that Boulder County actually approved a 15 year extension to mine Dowe Flats until the Town of Lyons challenged your decision without their input.

My major concern is the safety of my family, mainly the damage to my children's health that Cemex is causing. I have observed huge plumes emitting from their plant during the night. I have developed a chronic cough since moving. Although, it's disturbing to hear Cemex's Plant Manager, Erik Estrada, has said to members of the community that it makes more financial sense for Cemex to pay the fines for their environmental violations than to fix the issues, but not surprising given Cemex's history. Boulder County's public health needs to take precedence. The Colorado Department of Public Health and Environment's (CDPHE) enforcement history with CEMEX must be included in the consideration. Cemex have been the subject of 12 formal enforcement actions by the Air Pollution Control Division (APCD) since 2000, 5 of these in the last 5 years (see details below). In addition, there is an additional formal enforcement action by APCD which is still pending.

Case No. 2021-077

Continuous Emissions Monitoring Systems (CEMS) downtime; Opacity violation (kiln & clinker cooler); Monitoring, Recordkeeping & Reporting issues. CEMEX was given a \$40,250 penalty.

Case No. 2020-036

Failed to conduct timely VOC testing; Failed to operate power sweeper on two days; Failed to complete required QA/QC actions for THC CEMS; Dust plume observed (from points associated with kiln/clinker cooler), violating requirement to operate in a manner with good air pollution control practices; Monitoring & Reporting issues. CEMEX was given a \$42,000 penalty.

Case No. 2019-197

September & October 2019 stack testing; Failed to conduct timely dioxin/furan testing on the kiln. CEMEX was given a \$5,250 penalty. Case No. 2019-158 Significant dust emissions from the clinker transport elevator and drag chains from a process, violating requirement to operate the process' baghouses in accordance with good air engineering practices. CEMEX was given a \$7,000 penalty. Case 2019-021

Opacity from the kiln; Failure to operate and maintain a baghouse in accordance with manufacturer's specifications and/or good engineering practices; Failure to operate the plant water truck on two dates in Jan 2018; Failure to operate the power sweeper for 2 hours on one date in March 2017; Failure to ensure carbon & lime injection system was operating when temperatures reached trigger point on one date in July 2017; Monitoring, Recordkeeping & Reporting issues. CEMEX was given a \$35,000 penalty.

It's my understanding that there are regular complaints about the Cemex operation from nearby residents. In fact, I just learned our HOA sued Cemex for burning tires. With the end in sight, so I thought, I have not been included in these complaints. I wonder how many others have held their tongue thinking Cemex would be shutting down soon.

In addition to my great concern for public health the plant is a large light and noise polluter. I can't believe Boulder County would guarantee this to continue by agreeing to another 15 years of mining at Dowe Flats. . This old plant is not up to today's standards. They had their agreed upon time to mine and now it should be completed as agreed. I hope this will also bring light to the exit plan for the plant with Boulder County. I'd expect Cemex plans to leave a large bill for Boulder County or Lyons to clean the land of toxins.

I fully support Good Neighbors Lyons.

Regards,
Alix Wolf



Bart Lorang <lorangb@gmail.com>

Question on M1977-208 Inspection Report

Eschberger - DNR, Amy <amy.eschberger@state.co.us>

Mon, Jul 11, 2022 at 8:28 PM

To: Bart Lorang <lorangb@gmail.com>

Cc: Sarah Lorang <lorang.sarah@gmail.com>, Patrick Lennberg - DNR <patrick.lennberg@state.co.us>

Hi Bart,

That is correct, the approved reclamation plan for the Lyons Quarry mining permit (M-1977-208) includes eventually removing the plant and reclaiming the site to pastureland. A mining permit is issued by our office for the full life of the mine (from development and mining through reclamation), with no deadlines for completing mining at the site. Once mining activities have completed, Rule 3.1.3 requires that reclamation be carried to completion by the operator with all reasonable diligence, and each phase of reclamation be completed within five years from the date that mining has ceased, unless extended by the Division. The five-year period may be applied separately to each phase as it is commenced throughout the life of the mine.

For this site, mining activities are still occurring with the processing of material mined from the Dowe Flats Mine. If mining at the Dowe Flats Mine were to cease, that would have implications on the Lyons Quarry permit. Any changes to the approved plan, such as changing the primary source location for the plant, would need to be reviewed by our office through the appropriate revision submittal. If the operator wants to propose leaving the cement plant operations in place for final reclamation, this would need to be submitted to our office in the form of an Amendment application (to change the post-mining land use to industrial/commercial). Of course, they would need to demonstrate this proposal is compliant with local land use and zoning requirements.

As for the approved reclamation plan, unfortunately, there is not a single document that includes all details of the approved plan. We approve an original permit application, then afterward, the reclamation plan (as well as other portions of the approved permit) can be revised through multiple revisions over the life of the permit. I can tell you we have approved a total of 16 Technical Revisions for this permit since the original application was approved back in 1978. The most recently approved reclamation plan map (from 2004) was enclosed with my last inspection report.

You can review all permit files through our online imaged document system (Laserfiche) which is available on our website at <https://dnrweblink.state.co.us/drms/search.aspx?dbid=0>. You can also access Laserfiche by going to our homepage at <https://drms.colorado.gov> and clicking on "DRMS Weblink (Laserfiche)". Once you're in Laserfiche, just type the permit number (M1977208) into the "Permit No" field (with no dashes or spaces) and hit Enter. Tip: you can sort the files by date by clicking on the "Doc Date" column header.

Hope this helps!

By the way, we did a county shuffle here recently and I am no longer the specialist assigned to Boulder County. The new specialist for this county is Patrick Lennberg, which I'm copying on this email.

Best Regards,

Amy Eschberger
Environmental Protection Specialist



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

I am working remotely and can be reached at 303-945-9014.

O: 303.866.3567 x 8129 | C: 303.945.9014 | F: 303.832.8106

Physical Address: [1313 Sherman Street, Room 215, Denver, CO 80203](#)

Address for FedEx, UPS, or hand delivery:

[1001 E 62nd Ave, Denver, CO 80216](#)

Amy.Eschberger@state.co.us | <https://drms.colorado.gov>

[Quoted text hidden]



Bart Lorang <lorangb@gmail.com>

Question on M1977-208 Inspection Report

Eschberger - DNR, Amy <amy.eschberger@state.co.us>

Wed, Jul 13, 2022 at 7:37 PM

To: Bart Lorang <lorangb@gmail.com>

Cc: Sarah Lorang <lorang.sarah@gmail.com>, Patrick Lennberg - DNR <patrick.lennberg@state.co.us>

Hello Bart,

If mining were to cease at the Dowe Flats Mine, we would need to have discussions with the operator regarding their future plans for the Lyons Quarry plant. If they plan to continue operating the plant (without Dowe Flats), they will most likely need to revise the mine permit. The permit can be revised through submittal of a Technical Revision or Amendment application, depending on what they propose. A proposed change in post-mining land use (e.g., from rangeland to industrial/commercial - to leave the plant for final reclamation) and/or a significant change to the reclamation plan must be reviewed through the Amendment process. The review period for a 112c permit Amendment application is 90 days. However, the operator can request extensions of the initial decision date, and it is not uncommon for the review period to take several months longer.

Notice of an Amendment application is sent to various local, state, and sometimes federal agencies (this would include the county and any municipalities located within 2 miles of the site). Notice of the application is also sent to landowners and adjacent landowners. Additionally, the operator must place notice sign(s) at the mine site, place a copy of the application for public review with the County Clerk and Recorder's Office, and publish a newspaper notice in the locality of the mine site once a week for four consecutive weeks.

The public comment period for a 112c Amendment application begins when the application is filed, and ends 20 calendar days after the date of the last newspaper publication. There is no public comment period for Technical Revisions.

To learn more about the public notice procedures for an application, I would recommend reading our Construction Materials Rule 1.6. I'm attaching a copy of these rules for your convenience (you can also view/download them from our website at <https://drms.colorado.gov/rules-and-regulations>).

Best Regards,

Amy Eschberger
Environmental Protection Specialist



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

I am working remotely and can be reached at 303-945-9014.

O: 303.866.3567 x 8129 | C: 303.945.9014 | F: 303.832.8106

Physical Address: [1313 Sherman Street, Room 215, Denver, CO 80203](#)**Address for FedEx, UPS, or hand delivery:**[1001 E 62nd Ave, Denver, CO 80216](#)Amy.Eschberger@state.co.us | <https://drms.colorado.gov>

[Quoted text hidden]

**Construction-Materials-Rules.pdf**

762K

From: [Bart Lorang](#)
To: [LU Land Use Planner](#); [Boulder County Board of Commissioners](#); [Levy, Claire](#); [Loachamin, Marta](#)
Cc: [Case, Dale](#); [L'Orange, Pete](#); [Sarah Lorang](#); [Michael Booth](#); [Matthew Bennett](#); [Pearlman, Ben](#); [Hollie Rogin](#); [Victoria Simonsen](#); [Amanda Dumenigo](#); [Hoefler, Gabi](#); [RCargill@aol.com](#); [Roger Flynn](#); [Ed Kean](#)
Subject: [EXTERNAL] SU-22-0003 Re: Nonconforming Use Issue
Date: Wednesday, August 31, 2022 10:51:46 PM
Attachments: [Boulder County Land Use Code Article 4, updated March 29, 2022.pdf](#)
[Non-Conforming Uses for Lyons Quarry.pdf](#)

Boulder County Planning Commission and Boulder County Commissioners:

I hope to provide public testimony in the Sep 1st PC hearing to respond to the new information provided in Staff's Supplemental Memo regarding Nonconforming Use, but if I am not allowed, here is the essence:

Please see the attached PDF of a Matrix ([Google Sheets version here](#)) that depicts the following:

1. Lyons Quarry (aka Cement Plant) potential Termination of Nonconforming Use Events since 1994
2. Specific Land Use Code Termination Provisions (adopted in 1994 and also attached)
3. Intersection/Analysis of #1 and #2

When it comes to the matter of evaluating nonconformity for Lyons Quarry, two things to assess - the past and the future:

1. PAST - It is improbable that over the past 28 years, when *carefully* scrutinized, that the Lyons Quarry has been able to truly maintain its nonconforming use in accordance with the Land Use Code of 1994 - in both the letter and the spirit of the Code. The [attached PDF explores many of these events](#), and as a reminder, Boulder County, in accordance with the 4-1001.A of the Land Use Code, has a duty to eliminate nonconformity as speedily as justice will permit. If sufficient time and resources are devoted to this, I am confident you will find events that could/should have been nonconforming termination events. These mistakes will be uncomfortable to acknowledge internally, but the Land Use Code and its insistence on justice demands a rigorous, intellectually honest assessment of the historical record.

2. FUTURE - Looking forward, in the event of Rejection (which I strongly urge) the Lyons Quarry nonconforming use **should be immediately terminated on October 1st, 2022 in accordance with Article 4-1003.C.1.d**, which provides for termination based on *"Any other enlargement or alteration of the nonconforming use which has the effect or threatened effect of creation a hazard or nuisance on or off the property, of adversely affecting the character of the neighborhood, or of intensifying the use of the land or its need for services."*

If the Special Use Permit is denied, on October 1st, the applicant claims they will begin using an **unknown** number of trucks to bring in **unknown** materials en masse, from **unknown** sources, from an **unknown** distance, but "up to 90 miles away," instead of known materials by conveyor from Dowe Flats. This certainly meets criteria 4-1003.C.1.d as it is an **"alteration of nonconforming use"** and it certainly has the threatened effect of a hazard, nuisance on/off the property, adversely effects the character of the neighborhood, intensifies the need for services (roads, etc).

In [DRMS parlance](#), this is a change from a "Mining Operation" to a "Custom Mill" and will

rightfully and likely constitute a need for a change to the DRMS State Level Permit, by way of Amendment or Revision. A change in source material has implications on long term reclamation plan, Pit C CKD capacity, CKD composition, CKD health and safety, CKD disposal, ground water compliance monitoring, accessory structures, among other items. As a reminder, when CKD is disposed of improperly, [it results in Superfund sites that contaminate soil, air and groundwater, like the one in Salt Lake City Utah](#). As just one example of the impact created from the change in source material/location, the Applicant discussed at the Aug 17th hearing the possibility of starting to truck in "fly ash" from power plants to create cement, which is an entirely different chemical composition, which impacts the CKD composition and associated disposal strategy, PM10 density, Air Quality, and has a wide range of additional implications. There are countless other health and safety factors that must be evaluated on a holistic nature when the source material & location changes.

I strongly urge Boulder County to follow suit with DRMS, and view an alteration to the operations of this magnitude as an "alteration of nonconforming use" under the Land Use Code that warrants Special Use Review and terminates nonconformity of Lyons Quarry.

BOTTOM LINE - despite what we've all been led to believe, Boulder County Planning **can be in control of the Lyons Quarry/Cement Plant wind down**. I strongly urge the Planning Commission to Recommend a Rejection of the Application. Let this play out past September 30th, and then Director Case can immediately send a termination notice to the Applicant requiring Special Use Review on October 1st. Following that, Boulder County, along with the Town of Lyons, can negotiate a superior arrangement for everyone involved and a swift wind down and reclamation of the plant.

Thanks for your time reading. I am available at 303.717.0414 if anyone wants to discuss any of this analysis further and am here to help.

Sincerely,

Bart Lorang
12800 N Foothills Hwy, Lyons, CO 80540
GoodNeighborsLyons.com

From: [Bart Lorang](#)
To: [LU Land Use Planner](#); [Boulder County Board of Commissioners](#); [Levy, Claire](#); [Loachamin, Marta](#)
Cc: [L"Orange, Pete](#); [Case, Dale](#); [Sarah Lorang](#); [Hollie Rogin](#); [Victoria Simonsen](#); [Amanda Dumenigo](#); [RCargill@aol.com](#); [Michael Booth](#); [Matthew Bennett](#); [Hoefler, Gabi](#); [Pearlman, Ben](#); [Hunter Lovins](#); [Ed Kean](#); [Roger Flynn](#)
Subject: [EXTERNAL] SU-22-0003 - Re: DRMS Permits and CKD Disposal / Safety Issue
Date: Thursday, September 1, 2022 1:16:57 AM
Attachments: [Amy+Email+2+-+Question+on+M1977-208+Inspection+Report+\(1\).pdf](#)
[Amy+Email+1+-+Question+on+M1977-208+Inspection+Report+\(1\).pdf](#)
[Cement Kiln Dust - 1999-11-11_REVISION - M1977208.pdf](#)

Boulder County Planning Commissioners and Boulder County Commissioners:

In response to Staff's statement in the Supplemental Memo regarding DRMS permits:

"County staff have confirmed with staff from the Colorado State Division of Natural Resources that the State permit for the Lyons Quarry and cement plant (M1977-208) would not need to be terminated if the Dowe Flats Quarry permit (M1993-041) ended."

This is surprising that Staff had to confirm this fact, as the community has not, to our knowledge, asserted that the state level Lyons Quarry permit would be terminated upon termination of a state level Dowe Flats permit.

DRMS has simply stated that the Lyons Quarry permit would be implicated (e.g. need to change), and likely require a Technical Revision or Amendment to change the source location **if Dowe Flats mining were to cease**. I have attached documentation of correspondence with DRMS, which goes into greater detail and nuance than Staff's own correspondence and I encourage everyone to read it and understand it.

It's important to note that Termination of Mining or Termination of Plant Activities and Permit Termination are **not the same thing**.

DRMS permits often last many years or decades beyond the end of active mining operations (or even a plant demolition and reclamation, for that matter), to ensure that the reclamation is completed properly and aftereffects like ground water monitoring are within compliance.

According to DRMS, the last remaining mining activity occurring under M1977208 at Lyons Quarry is the processing of materials from Dowe Flats. This is essentially the storage and disposal of potentially hazardous Cement Kiln Dust (CKD) in Pit C, which has serious implications for groundwater, air and soil if not disposed of properly. Changing the source or the fuel can change the chemical composition of the CKD, and thus impacts the CKD disposal strategy and the compliance strategy.

CKD disposal is a serious potential public safety issue not to be taken lightly or flippantly, and I would urge Boulder County to take an active approach in understanding this matter deeply and engaging its own departments for active oversight. [In Utah, from 1963 to 1983, a site disposed of 500,000 tons of CKD improperly, and it is now a Superfund site](#). Related - from 1999 onwards, Pit C at Lyons Quarry was designed and modeled to store 600,000 tons of CKD over a 20 year period, and before 1999, hundreds of thousands of tons of CKD were disposed of at Lyons Quarry without EPA's explicit management standards (introduced Aug 1999 and eventually adopted by DRMS).

At present, we are unclear where in Lyons Quarry the CKD was disposed of prior to 1999 as

we have been unable to locate that information.

And for good measure, from a 1999 primer memo on Cement Kiln Dust (attached): *"Fresh" CKD should never be placed, or allowed to be placed inadvertently, in open flowing water or in areas, such as flood plains, where open flowing water may reach the "fresh" CKD" prior to a few weeks of curing."*

Unfortunately, the Cement Plant, and much of Lyons Quarry site, **happens to be in a floodplain and/or floodway**. As such, I would urge Boulder County to not let oversight of CKD Disposal be solely handled by the Applicant and/or mining-friendly DRMS, and would strongly suggest Boulder County lean in on this issue and come up with a plan to ensure the long term health and safety of its residents.

Thanks for reading, I'm here to help.

Bart Lorang
12800 N Foothills Hwy
GoodNeighborsLyons.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-0003 - How Many Years of Plant/Mine Ops in exchange for Fair Market Value?
Date: Thursday, September 1, 2022 7:18:11 AM

[@L'Orange, Pete](#)

From: Bart Lorang <lorangb@gmail.com>
Sent: Wednesday, August 31, 2022 8:35 PM
To: LU Land Use Planner <planner@bouldercounty.org>; Boulder County Board of Commissioners <commissioners@bouldercounty.org>; Loachamin, Marta <mloachamin@bouldercounty.org>; Levy, Claire <cl Levy@bouldercounty.org>
Cc: Michael Booth <booth@coloradosun.com>; Matthew Bennett <mbennett@prairiemountainmedia.com>; Rossana Longo-Better <rossana@kgnu.org>; Strife, Susie <ssstife@bouldercounty.org>; Pearlman, Ben <bpearlman@bouldercounty.org>; Whisman, Janis <jwhisman@bouldercounty.org>; Dolores Vasquez <dvasquez@townoflyons.com>; !CountyAttorney <CountyAttorney@bouldercounty.org>; congressmanjoeneguse@mail.house.gov; L'Orange, Pete <plorange@bouldercounty.org>; Case, Dale <dcase@bouldercounty.org>; Glowacki, Therese <tglowacki@bouldercounty.org>; Shannon Young <shannon@kgnu.org>; Victoria Simonsen <vsimonsen@townoflyons.com>; Hollie Rogin <hrogin@townoflyons.com>; Sarah Lorang <lorang.sarah@gmail.com>; Ed Kean <edkean@yahoo.com>
Subject: [EXTERNAL] SU-22-0003 - How Many Years of Plant/Mine Ops in exchange for Fair Market Value?

Boulder County Planning Commission & Boulder County Commissioners:

My name is Bart Lorang, I live in Lyons, and I've spent the past 30+ years as an entrepreneur, investor & venture capitalist working in high-stakes negotiations and M&A all across the globe. I am one of the founding members of [GoodNeighborsLyons.com](#), which has spent thousands of hours unpacking every single element of this deal proposal and helping inform the public about an extraordinarily complex situation.

I say all of this to simply let you know that I am extremely informed about SU-22-0003 and the nuances involved, as well as advanced deal-negotiation tactics borne from a lifetime of training.

In this message I hope to provide some value and a bit of advice with respect to the negotiation at hand. I sincerely hope it is heard, received and acted upon.

As I conveyed to both Janis Whisman and Ben Pearlman in phone conversations many months ago (in late 2021 and early 2022), my goal is (and remains) to **accelerate the closure of the plant**. Unfortunately, the deal as proposed, is optimized for Boulder County Parks & Open Space's mission of what I would call "additional open space at best prices" and is not optimized for the accelerated closure of the plant (which is what the community, the Town of Lyons and your constituents clearly want).

In the proposed deal, Dowe Flats is being offered for \$0 instead of the pre-existing option

agreement, another 208 Acres is being offered for \$0, there are \$6M of additional lease payments as sweetener, and 830 acres of land south of HWY 66 is being offered for \$17,000/acre - far below likely FMV.

This equates to a **minimum ~\$16.7M of value** provided to Boulder County in exchange for the certainty of 15 years of definitive mining and 15 years of definitive plant operations. This dollar figure doesn't include the appurtenant water rights (which I've estimated possibly > 10,000 acre-feet), nor a value greater than \$17,000/acre for the 830 acres south of Hwy 66, which could push the total value of this deal much, much higher.

Why would an applicant provide > \$16.7MM of value for something they claim to be able to do "indefinitely"? *Side-tangent: the word indefinitely is a negotiator's word. Indefinitely simply means that - it could mean Oct 1, 2022, for all we know. But the limbic brain jumps to "forever" and then the person who hears "indefinitely" acts out of fear and emotion, and believes "15 years is better than indefinite" which sets up a false-choice fallacy - "15 years, or indefinite." When I saw that - I instantly recognized this classic negotiation tactic.*

But to answer this question about why the applicant would offer such an enormous ransom bounty for another 15 years, I have built [extensive NPV \(Net Present Value\) financial models](#) that demonstrate the Applicant's BATNA (Best Alternative To a Negotiated Agreement). No matter how many models/scenarios we run with varying assumptions, it is clear - the **Applicant's BATNA is NOT to Operate Indefinitely** and is tantamount to a "free bluff." It's a "free bluff" because they aren't risking anything with their gambit, as they'll be right back where they started if the application is rejected! It's clear from the models that "Operating Indefinitely" is not as profitable for their shareholders as simply shutting down and selling the assets to Boulder County. But one thing is clear and consistent from the models - the **#1 NPV option for the Applicant is 15 years more of mining**, as that gives them a fresh lease on life and turns a non-marketable, nearly dead asset into a marketable one, along with ~\$50M of NPV for Shareholders.

I [have provided these Financial Models publicly](#), and they've been sent to Staff (though it's unclear if anyone at BoCo Staff has actually taken a hard and thorough look). If someone in the BoCo Finance/Analytics department would like to discuss with me, I'd be more than happy to oblige.

Many people in the community have asked me two questions that I don't know the answer to:

- 1. How many years of continued mining & plant operations would the Applicant agree to if Boulder County Parks & Open space would simply agree to pay FMV for all assets? 1 Year? 3 Years? 5 Years?**
- 2. Has Boulder County actually attempted to negotiate fewer years in exchange for less dollar value for Boulder County Parks & Open Space by paying FMV?**

I will, in turn, ask you these same questions, and I challenge you to ask question #1 of the applicant in and ask tough question #2 of your colleagues and of BoCo Staff.

Candidly, the current inclusion of this type of excessive value received for BCPOS isn't a

great look for Boulder County. As residents, we pay Open Space Taxes in order for BCPOS to acquire Open Space at near-market prices, not to trade away years of industrial operation, public health and safety and harmful CO2 emissions to get lots of land for virtually free.

Both the Planning Commission and the County Commissioners (while including, rather than excluding, the Town of Lyons, as it's far better to add additional stakeholders that the Applicant needs to 'satisfy' in a negotiation) have an opportunity to further negotiate this deal with the applicant, and extract far fewer years, some plant health upgrades that BCPHE has recommended, elements of the Town of Lyons proposal, all in exchange for more net dollars flowing from Boulder County to the Applicant for the real estate it is acquiring. **I strongly recommend you attempt it, as there's absolutely no harm in pushing for a better deal.** If well trained in negotiation, the Applicant might feign distaste and try to walk away, but trust me, they'll return to the table, particularly if they know the threat of a possible Rejection of the Proposal is looming. Time is on your side, and the September 30th deadline is theirs, not yours. They've known about the expiration date for 25 years. September 30th isn't Boulder County's problem and they are creating false urgency on the County's part (another classic negotiating tactic that seems to be working for them).

When you negotiate a better deal and shrink the number of years of extension from 15 down to a handful, you will be heroes to the community, and the overwhelming majority of community groups, including Good Neighbors Lyons, the Town of Lyons, and everyone in the County, will line up behind you to celebrate a great victory!

Each of you will also have the personal satisfaction of having **saved millions of tons of CO2 emissions.** Efficient market dynamics will push cement production to other places - like newer, greener plants or plants like Florence, which are installing CO2 sequestration technology. And, rumors to the contrary, Colorado is actually *a net exporter* of cement, so we are actually making more than we need as a State.

This **single action: pushing for far fewer years of cement plant operation - is literally the #1 thing we can do for Boulder County GHG Goals.** While the event with the Commissioners and Nancy Pelosi today was a good press release, I encourage you to follow it up with courageous action and show everyone that Boulder County truly means business when it comes to the climate crisis.

Thanks for your time and thanks for reading.

I am available for anyone at Boulder County to call me at 303.717.0414 if you'd like to discuss further or need any assistance whatsoever. I'm simply here to help accelerate the plant's closure.

Bart Lorang
12800 N Foothills Hwy, Lyons, CO 80540
GoodNeighborsLyons.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-0003 Re: Nonconforming Use Issue
Date: Thursday, September 1, 2022 7:20:39 AM
Attachments: [Boulder County Land Use Code Article 4, updated March 29, 2022.pdf](#)
[Non-Conforming Uses for Lyons Quarry.pdf](#)

[@L'Orange, Pete](#)

From: Bart Lorang <lorangb@gmail.com>
Sent: Wednesday, August 31, 2022 10:51 PM
To: LU Land Use Planner <planner@bouldercounty.org>; Boulder County Board of Commissioners <commissioners@bouldercounty.org>; Levy, Claire <clevy@bouldercounty.org>; Loachamin, Marta <mloachamin@bouldercounty.org>
Cc: Case, Dale <dcase@bouldercounty.org>; L'Orange, Pete <plorange@bouldercounty.org>; Sarah Lorang <lorang.sarah@gmail.com>; Michael Booth <booth@coloradosun.com>; Matthew Bennett <mbennett@prairiemountainmedia.com>; Pearlman, Ben <bpearlman@bouldercounty.org>; Hollie Rogin <hrogin@townoflyons.com>; Victoria Simonsen <vsimonsen@townoflyons.com>; Amanda Dumenigo <amanda@horsense.net>; Hoefler, Gabi <ghoefler@bouldercounty.org>; RCargill@aol.com; Roger Flynn <Roger@wmaplaw.org>; Ed Kean <edkean@yahoo.com>
Subject: [EXTERNAL] SU-22-0003 Re: Nonconforming Use Issue

Boulder County Planning Commission and Boulder County Commissioners:

I hope to provide public testimony in the Sep 1st PC hearing to respond to the new information provided in Staff's Supplemental Memo regarding Nonconforming Use, but if I am not allowed, here is the essence:

Please see the attached PDF of a Matrix ([Google Sheets version here](#)) that depicts the following:

1. Lyons Quarry (aka Cement Plant) potential Termination of Nonconforming Use Events since 1994
2. Specific Land Use Code Termination Provisions (adopted in 1994 and also attached)
3. Intersection/Analysis of #1 and #2

When it comes to the matter of evaluating nonconformity for Lyons Quarry, two things to assess - the past and the future:

1. PAST - It is improbable that over the past 28 years, when *carefully* scrutinized, that the Lyons Quarry has been able to truly maintain its nonconforming use in accordance with the Land Use Code of 1994 - in both the letter and the spirit of the Code. The [attached PDF explores many of these events](#), and as a reminder, Boulder County, in accordance with the 4-1001.A of the Land Use Code, has a duty to eliminate nonconformity as speedily as justice will permit. If sufficient time and resources are devoted to this, I am confident you will find events that could/should have been nonconforming termination events. These mistakes will be uncomfortable to acknowledge internally, but the Land Use Code and its insistence on justice demands a rigorous, intellectually honest assessment of the historical record.

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BOTTOM LINE - despite what we've all been led to believe, Boulder County Planning **can be in control of the Lyons Quarry/Cement Plant wind down**. I strongly urge the Planning Commission to Recommend a Rejection of the Application. Let this play out past September 30th, and then Director Case can immediately send a termination notice to the Applicant requiring Special Use Review on October 1st. Following that, Boulder County, along with the Town of Lyons, can negotiate a superior arrangement for everyone involved and a swift wind down and reclamation of the plant.

Thanks for your time reading. I am available at 303.717.0414 if anyone wants to discuss any of this analysis further and am here to help.

Sincerely,

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From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-0003 - Re: DRMS Permits and CKD Disposal / Safety Issue
Date: Thursday, September 1, 2022 7:22:03 AM
Attachments: [Amy+Email+2+-+Question+on+M1977-208+Inspection+Report+\(1\).pdf](#)
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[@L'Orange, Pete](#)

From: Bart Lorang <lorangb@gmail.com>
Sent: Thursday, September 1, 2022 1:16 AM
To: LU Land Use Planner <planner@bouldercounty.org>; Boulder County Board of Commissioners <commissioners@bouldercounty.org>; Levy, Claire <clevy@bouldercounty.org>; Loachamin, Marta <mloachamin@bouldercounty.org>
Cc: L'Orange, Pete <plorange@bouldercounty.org>; Case, Dale <dcase@bouldercounty.org>; Sarah Lorang <lorang.sarah@gmail.com>; Hollie Rogin <hrogin@townoflyons.com>; Victoria Simonsen <vsimonsen@townoflyons.com>; Amanda Dumenigo <amanda@horsense.net>; RCargill@aol.com; Michael Booth <booth@coloradosun.com>; Matthew Bennett <mbennett@prairiemountainmedia.com>; Hoefler, Gabi <ghoefler@bouldercounty.org>; Pearlman, Ben <bpearlman@bouldercounty.org>; Hunter Lovins <hunterlovins@gmail.com>; Ed Kean <edkean@yahoo.com>; Roger Flynn <Roger@wmaplaw.org>
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Cc: [Michael Booth](#); [Matthew Bennett](#); [Rossana Longo-Better](#); [Strife, Susie](#); [Pearlman, Ben](#); [Whisman, Janis](#); [Dolores Vasquez](#); [!CountyAttorney](#); congressmanjoeneguse@mail.house.gov; [L"Orange, Pete](#); [Case, Dale](#); [Glowacki, Therese](#); [Shannon Young](#); [Victoria Simonsen](#); [Hollie Rogin](#); [Sarah Lorang](#); [Ed Kean](#)
Subject: [EXTERNAL] SU-22-0003 - How Many Years of Plant/Mine Ops in exchange for Fair Market Value?
Date: Wednesday, August 31, 2022 8:35:08 PM

Boulder County Planning Commission & Boulder County Commissioners:

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Why would an applicant provide > \$16.7MM of value for something they claim to be able to do "indefinitely"? *Side-tangent: the word indefinitely is a negotiator's word. Indefinitely simply means that - it could mean Oct 1, 2022, for all we know. But the limbic brain jumps to "forever" and then the person who hears "indefinitely" acts out of fear and emotion, and believes "15 years is better than indefinite" which sets up a false-choice fallacy - "15 years, or indefinite." When I saw that - I instantly recognized this classic negotiation tactic.*

But to answer this question about why the applicant would offer such an enormous ransom bounty for another 15 years, I have built [extensive NPV \(Net Present Value\) financial models](#) that demonstrate the Applicant's BATNA (Best Alternative To a Negotiated Agreement). No

matter how many models/scenarios we run with varying assumptions, it is clear - the **Applicant's BATNA is NOT to Operate Indefinitely** and is tantamount to a "free bluff." It's a "free bluff" because they aren't risking anything with their gambit, as they'll be right back where they started if the application is rejected! It's clear from the models that "Operating Indefinitely" is not as profitable for their shareholders as simply shutting down and selling the assets to Boulder County. But one thing is clear and consistent from the models - the **#1 NPV option for the Applicant is 15 years more of mining**, as that gives them a fresh lease on life and turns a non-marketable, nearly dead asset into a marketable one, along with ~\$50M of NPV for Shareholders.

I [have provided these Financial Models publicly](#), and they've been sent to Staff (though it's unclear if anyone at BoCo Staff has actually taken a hard and thorough look). If someone in the BoCo Finance/Analytics department would like to discuss with me, I'd be more than happy to oblige.

Many people in the community have asked me two questions that I don't know the answer to:

- 1. How many years of continued mining & plant operations would the Applicant agree to if Boulder County Parks & Open space would simply agree to pay FMV for all assets? 1 Year? 3 Years? 5 Years?**
- 2. Has Boulder County actually attempted to negotiate fewer years in exchange for less dollar value for Boulder County Parks & Open Space by paying FMV?**

I will, in turn, ask you these same questions, and I challenge you to ask question #1 of the applicant in and ask tough question #2 of your colleagues and of BoCo Staff.

Candidly, the current inclusion of this type of excessive value received for BCPOS isn't a great look for Boulder County. As residents, we pay Open Space Taxes in order for BCPOS to acquire Open Space at near-market prices, not to trade away years of industrial operation, public health and safety and harmful CO2 emissions to get lots of land for virtually free.

Both the Planning Commission and the County Commissioners (while including, rather than excluding, the Town of Lyons, as it's far better to add additional stakeholders that the Applicant needs to 'satisfy' in a negotiation) have an opportunity to further negotiate this deal with the applicant, and extract far fewer years, some plant health upgrades that BCPHE has recommended, elements of the Town of Lyons proposal, all in exchange for more net dollars flowing from Boulder County to the Applicant for the real estate it is acquiring. **I strongly recommend you attempt it, as there's absolutely no harm in pushing for a better deal.** If well trained in negotiation, the Applicant might feign distaste and try to walk away, but trust me, they'll return to the table, particularly if they know the threat of a possible Rejection of the Proposal is looming. Time is on your side, and the September 30th deadline is theirs, not yours. They've known about the expiration date for 25 years. September 30th isn't Boulder County's problem and they are creating false urgency on the County's part (another classic negotiating tactic that seems to be working for them).

When you negotiate a better deal and shrink the number of years of extension from 15 down to a handful, you will be heroes to the community, and the overwhelming majority of community groups, including Good Neighbors Lyons, the Town of Lyons, and everyone in the County, will line up behind you to celebrate a great victory!

Each of you will also have the personal satisfaction of having **saved millions of tons of CO2 emissions**. Efficient market dynamics will push cement production to other places - like newer, greener plants or plants like Florence, which are [installing CO2 sequestration technology](#). And, rumors to the contrary, Colorado is actually *a net exporter* of cement, so we are actually making more than we need as a State.

This single action: pushing for far fewer years of cement plant operation - is literally the #1 thing we can do for Boulder County GHG Goals. While the event with the Commissioners and Nancy Pelosi today was a good press release, I encourage you to follow it up with courageous action and show everyone that Boulder County truly means business when it comes to the climate crisis.

Thanks for your time and thanks for reading.

I am available for anyone at Boulder County to call me at 303.717.0414 if you'd like to discuss further or need any assistance whatsoever. I'm simply here to help accelerate the plant's closure.

Bart Lorang
12800 N Foothills Hwy, Lyons, CO 80540
GoodNeighborsLyons.com

4-1000 Nonconforming Structures and Uses

4-1001 Principles of Construction as Applied to Nonconforming Structures and Uses

- A. In recognition of the broadly accepted policy that nonconforming uses and structures should be brought to conforming status as speedily as justice will permit, and favoring the reasonable regulation of nonconforming uses and structures to minimize their adverse impacts on current comprehensive zoning schemes and the community, this Article shall be strictly construed against the continuation or expansion of nonconformity in Boulder County.

4-1002 Nonconforming Structures

- A. A nonconforming structure is any existing structure which does not conform to the structure regulations of this Code for the zoning district in which such nonconforming structure is located, as a result of either (1) the adoption or amendment of this Code, or (2) a final county administrative or judicial decision precluding Boulder County from enforcing this Code specific to a structure on the basis of estoppel, laches, or waiver.
- B. A nonconforming structure may continue to be occupied, except as otherwise provided for in this Section.
- C. A nonconforming structure may not be altered, repaired, or enlarged in any way which would increase the degree of nonconformity with respect to the setback or height regulations of this Code:
1. For purposes of this Section, an increase in the degree of nonconformity shall be any alteration which adds to the floor area or height of the portion of the structure which violates this Code.
 2. This restriction may be waived if the Building Official determines that any such alteration, repair, or enlargement is necessary to rectify a hazardous health or safety situation, or to comply with the public health or safety requirements of another governmental entity having lawful jurisdiction over the structure.
 3. Agricultural structures, either singly or cumulatively, legally constructed which were over 25,000 square feet (or 35,000 square feet in a community service area) as of October 18, 1994, may be altered, repaired, or enlarged provided the total square footage of the structures on a parcel is not increased.
 4. Installation of a flush roof-mounted or building integrated accessory solar energy systems shall not be considered an increase in the degree of nonconformity, provided it meets the specifications in section 4-514 or 4-516.
- D. A nonconforming structure which has been damaged or destroyed by causes outside the control of the property owner or their agent, may be restored to its original location, floor area, and height, provided that such restoration complies with the current provisions of the Boulder County Building Code.
1. Such restoration must be commenced within six months after the date on which the nonconforming structure was damaged or destroyed and completed within one year after the date on which the restoration was commenced.
 - a. These times may be extended for a reasonable period, if approved by the County Commissioners at a public hearing upon a showing of extraordinary circumstances by the property owner or their agent.
 2. The provisions of this Section 4-1002 (D) shall not apply to Substantial Improvements to structures in the Floodplain Overlay District as provided for in Section 4-400 of this Code.
 3. Restoration meeting the requirements of this provision are not required to undergo a Site Plan Review. (See Article 4-802 (B) (3))

4-1003 Nonconforming Uses

- A. A nonconforming use is any existing use which does not conform to the use regulations of this Code for the zoning district in which such nonconforming use is located, as a result of either
1. the adoption or amendment of this Code, or
 2. a final administrative or judicial decision precluding the County from enforcing this Code specific to a use on the basis of estoppel, laches, or waiver.
 - a. Uses are not considered nonconforming due to inadequate parking.
 - b. Uses which fall within Section 4-1003.A.2., above shall not be eligible to apply for a special use permit for a Use of Community Significance Section 4-504.
- B. Except as otherwise provided in this Section, a nonconforming use may be continued and normal or routine maintenance of a structure containing a nonconforming use shall be permitted. Normal or routine maintenance shall include any maintenance or repair which does not impermissibly enlarge or alter the structure containing a nonconforming use under Section 4-1003.C., below.
- C. **Enlargement or Alteration of a Nonconforming Use**
1. The right to continue a nonconforming use terminates immediately when the nonconforming use is enlarged, expanded, extended, or altered in any of the following ways, and the property owner does not successfully pursue any of the options specified in Section 4-1003.H. within 30 calendar days after the Director provides written notification of an alleged illegal enlargement or alteration to the owner.
 - a. Addition of a new structure containing or accessory to the nonconforming use;
 - b. Enlargement or alteration of a structure containing or accessory to the nonconforming use, including but not necessarily limited to an increase in floor area, an increase in height, or any other alteration or improvement in excess of normal or routine maintenance of the structure;
 - c. Enlargement or alteration in the land area occupied by the nonconforming use, unless the basic nature of the use, at the time it became nonconforming, clearly indicated or contemplated such an increase or alteration; or
 - d. Any other enlargement or alteration of the nonconforming use which has the effect or threatened effect of creating a hazard or nuisance on or off the property, of adversely affecting the character of the neighborhood, or of intensifying the use of the land or its need for services.
 - e. Removal or replacement of any structural member in a use for which the County is precluded from enforcing this Code specific to use on the basis of estoppel, laches, or waiver.
 2. An impermissible enlargement or alteration shall not include the following:
 - a. a change of ownership of the property;
 - b. an alteration or expansion which the Building Official determines is necessary to rectify a hazardous health or safety situation or to comply with the public health or safety requirements of another governmental entity having lawful jurisdiction over the structure;
 - c. an extension of the nonconforming use within the structure containing the use, provided that such extension is not accompanied by an alteration of the structure falling within category (b), above;
 - d. the addition of a solar energy system to a structure containing a nonconforming use provided it meets the specifications in Articles 4-514 or 4-516; or
 - e. any replacement or upgrading of outmoded or worn equipment or supplies, provided that such activity does not fall within category Section 4-1003.C.1.d., above.
 3. Owners of legal building lots containing agricultural uses which have become nonconforming as a result of adoption or amendment of this Code, may restore, modify, and maintain existing conforming structures, and may construct new conforming structures, provided such structures are directly related to the agricultural use, and provided the use is not enlarged or altered in any other way.
- D. **Change of a Nonconforming Use**
1. A nonconforming use may be changed only to a use which is conforming in the zoning district in which the use is located.
 2. Any change of a nonconforming use to any other use shall operate immediately to terminate the right to continue the nonconforming use. Thereafter, the property shall be used only in conformity with the use provisions of its zoning district.

E. Destruction of a Structure Containing a Nonconforming Use

1. A structure containing a nonconforming use shall be deemed destroyed when either greater than 50 percent of its floor area, or greater than 50 percent of its actual value (as determined by the Boulder County Assessor) is destroyed.
2. The right to continue a nonconforming use terminates immediately when the structure containing that use is destroyed by an intentional act of the property or structure owner or their agent.
3. In all other cases, when a structure containing a nonconforming use is destroyed, the structure may be restored, and the nonconforming use may be reestablished.
 - a. Restoration of the structure must be commenced within six months after the date on which the nonconforming structure was destroyed and completed within one year after the date on which the restoration was commenced.
 - b. These times may be extended for a reasonable period, if approved by the County Commissioners at a public hearing upon a showing of extraordinary circumstances by the property owner or their agent.
4. The provisions of this Section 4-1003.E. shall not apply to Substantial Improvements to structures in the Floodplain Overlay District as provided for in Section 4-400.

F. Damage to a Structure Containing a Nonconforming Use

1. The right to continue a nonconforming use terminates immediately when the structure containing that use is damaged by an intentional act of the property or structure owner or their agent.
2. In all other cases, when a structure containing a nonconforming use is damaged, the structure may be restored, and the nonconforming use may be reestablished.
 - a. Restoration of the structure must be commenced within six months after the date on which the nonconforming structure was damaged and completed within one year after the date on which the restoration was commenced.
 - b. These times may be extended for a reasonable period, if approved by the Board of County Commissioners at a public hearing upon a showing of extraordinary circumstances by the property owner or their agent.
3. The provisions of this Section 4-1004.F. shall not apply to Substantial Improvements to structures in the Floodplain Overlay District as provided for in Section 4-400.
4. Restoration meeting the requirements of this provision are not required to undergo a Site Plan Review. (See Article 4-802.B.3.)

G. Abandonment of a Nonconforming Use

1. The right to continue a nonconforming use terminates as soon as the use is abandoned through the discontinuance of the use for an uninterrupted period of six months or more, as a result of causes within the control of the property owner or their agent.
 - a. Discontinuance of the use shall be a complete cessation of all activity on the property related to the use as determined in relationship to the nature and history of the nonconforming use, based upon available public information on the use.
 - b. If the nonconforming use is a seasonal use, the use shall be terminated if it is discontinued for an entire single season based upon the history and nature of the use.
2. Any nonconforming use may be abandoned in less than six months or a season, as applicable, if the property owner expressly states an intent to abandon the use, or engages in action which unambiguously expresses an intent to abandon.

H. Notice of Termination in the Event of Unlawful Enlargement or Alteration of a Nonconforming Use, Change of Use, Abandonment of a Nonconforming Use, or Destruction or Damage to a Structure Containing a Nonconforming Use

1. In the event that the Director receives information upon which a determination is made that the right to continue a nonconforming use has been or may have been terminated by operation of Section 4-1003, the Director shall provide a written notification of this determination by first class mail to the property owner, and to the parcel address, all as shown on the records of the Boulder County Assessor. The property owner shall have 30 calendar days after the date of the notification within which to provide evidence satisfactory to the Director to show that the determination is in error, to abate the illegal enlargement or alteration, to apply for approval of a special use or other applicable approval under this Code, or to file an appeal of the Director's determination to the Board of County Commissioners. In any appeal, the property owner shall have the burden to show that the right to continue the nonconforming use was not terminated according to the applicable provisions of this Article, when judged in light of the history and nature of the use and the circumstances of the alleged termination.
2. Nothing in this Section shall alter or diminish the Director's right to take enforcement action against the unlawful continuation of a nonconforming use terminated by operation of Section 4-1003 hereof, as set forth in 30-28-124, C.R.S., as amended, and Article 17 of this code. Moreover, except in the case of an illegal enlargement or alteration for which the owner shall be provided with a 30 day opportunity to abate, any failure by the Director to provide a notification of a determination of termination as provided for in this Section shall in no way entitle the property owner to continue or resume a nonconforming use terminated by operation of this Section 4-1003(H).

4-1004 Recognition of Nonconforming Uses

- A. A nonconforming use may be recognized as a conforming use if:
1. The use was made nonconforming pursuant to Section 4-1003.A.1., and receives special use review approval as a Use of Community Significance under Sections 4-504.H and 4-602.E. of this Code, or
 2. The use is nonconforming pursuant to 4-1003.A.2., and receives special use approval as a temporary use under Section 4-600.A. In addition to satisfying the special use criteria of Section 4-601, such a use may receive special use approval only if it meets the following requirements, to assure that these nonconforming uses are brought into conformity as quickly as justice may permit:
 - a. The use is required to totally cease, or to be changed to a conforming use, within a reasonable time certain as determined by the Board of County Commissioners through the special use review process, not to exceed 30 years.
 - b. During the time certain when the use is allowed to exist as a temporary special use, the property owner grants a conservation easement to the County to assure that no future expansion of the use or its associated structures occurs on the property beyond that approved in the special use. The conservation easement will also require that at the expiration of the temporary use period established in Subsection 4-1004.A.2.a., the temporary special use shall cease, and the property's use and structures shall be made to conform to the zoning districts requirements and in accordance with any specific requirement of the special use review and conservation easement.
 - c. Approval of the use as a temporary special use will result in some measurable decrease in one or more of the adverse land use impacts associated in the nonconforming use (such as in traffic, noise, or adverse visual impact).
 3. The use was a legal residential use when it became nonconforming pursuant to Subsection 4-1003.A.1. and receives Limited Impact Special Review use approval under Section 4-600.A., and, in addition, the owner/ applicant agrees to permanently deed restrict the approved special use as affordable housing under the adopted standards of the BOCC based upon the recommendation and policies of the Boulder County Housing Authority.
 - a. No increase in density is permitted through this approval.
 - b. Minor expansions to the use may be allowed through the limited impact special use process, so long as the proposed use results in some measurable decrease in one or more of the adverse land use impacts associated with nonconforming use (such as in traffic, noise, or adverse visual impact) and so long as current County Building Code requirements are met.
 4. The nonconforming use is changed to any other conforming use recognized under this Code.

4-1100 Rezoning (Zoning Map Amendments)

4-1101 Initiation of Amendments

A. Initiation of Map Amendments

1. Map amendments may be initiated by the Board of County Commissioners, the Planning Commission, or the legal owner of any property in Boulder County.
2. Map amendments shall be reviewed and acted upon in accordance with the procedural provisions contained within Article 3 of this Code, except the following:
 - a. Comprehensive map amendments initiated by the Board of County Commissioners or Planning Commission including map amendments resulting from a text amendment to this Code. In this case, the following notification requirements may be adopted by the Planning Commission.
 - (i) The newspaper notice need not contain the name of the landowner and applicant, the proposed and existing zoning, or the general location description of the land.
 - (ii) The property need not be posted with a sign.
 - (iii) The written notice of the hearing need not be provided to the applicant.
 - (iv) A written notice of the hearing need not be mailed to all owners of interest and adjacent land owners identified in the title report.

4-1102 Standards and Conditions

- A. No map amendment shall be adopted by the Board of County Commissioners unless the Board has determined that:
 1. a public need exists for the map amendment;
 2. the amendment is consistent with and in furtherance of the stated intent and purposes of this Code;
 3. the amendment is in accordance with the Boulder County Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development;
 4. the subject property is an appropriate site for the map amendment, and is a reasonable unit of land for such reclassification;
 5. the map amendment would not have a material adverse effect on the surrounding area;
 6. the map amendment will not result in an over-intensive use of land;
 7. the map amendment will not have a material adverse effect on community capital improvement programs;
 8. the map amendment will not require a level of community facilities and services greater than that which is available;
 9. the map amendment will not result in undue traffic congestion or traffic hazards;
 10. the map amendment will not cause significant air, water, or noise pollution;
 11. the map amendment will not permit the use of any area designated within the Boulder County Comprehensive Plan for the extraction of commercial mineral deposits in a manner which would interfere with the present or future extraction of such deposit by an extractor to any greater extent than under the present zoning of the property;
 12. it must be demonstrated that any structures to be built on the property will not be affected by geologic hazards if they exist; and
 13. the map amendment will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County.

4-1200 Board of Adjustment

4-1201 Appeals to the Board of Adjustment

- A. Appeals to the Board of Adjustment may be taken by any person aggrieved by any decision of the Community Planning & Permitting Director or County Engineer made in the course of the administration or enforcement of Article 4 or any related provision of this code.
- B. An application for an appeal must be made within 30 days after the Director or County Engineer makes a written decision on the matter being appealed. The 30 days shall start to run on the third day after the date of mailing of the decision to the last known address of the person concerning whom the decision is made. If not appealed to the Board of Adjustment the decision shall be final.
- C. The process for filing an appeal and specifics regarding the public hearing before the Board of Adjustment are outlined in Article 3 of this Code.
- D. Appeals to the Board of Adjustment related to any matters under Article 12, Special Review for Oil and Gas Operations, must be specifically permitted under Article 12.
- E. Any party to a proceeding before the Board of Adjustment may appeal the Board of Adjustment's final decision under C.R.C.P. 106(a)(4).

4-1202 Standards of Review

- A. Interpretations of this Code
 1. In hearing an appeal of an administrative decision or interpretation, the Board of Adjustment shall consider the following:
 - a. the technical meaning of the provision being appealed;
 - b. evidence as to the past interpretation of the provision;
 - c. the principles of interpretation and rules of construction in Article 1 of this code; and
 - d. the effect of the interpretation on the intent of this Code and the implementation of the Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development.
- B. Requests for a Variance from the Provisions of this Code
 1. The Board of Adjustment shall not grant a variance to this Code which allows:
 - a. a use in a zoning district other than those as allowed in Section 4-100 of this Code;
 - b. a variance to the minimum lot area requirements or maximum gross density;
 - c. the alteration of any definition;
 - d. a substantial modification to any planned unit development or special use allowed approved by the County Commissioners;
 - e. any increase in the base flood level;
 - f. a change in the height or yard requirements which could be obtained, or have been denied, through Special Review; or
 - g. A decrease in the spacing requirements for Marijuana Establishments under the Additional Provisions of Article 4-512.I. of this Code.
 2. In order to grant a variance, the Board of Adjustment shall find that the following criteria have been satisfied:
 - a. there exist exceptional or extraordinary physical circumstances of the subject property such as irregularity, narrowness, shallowness, or slope;
 - b. because of these physical circumstances, the strict application of this Code would create an exceptional or undue hardship upon the property owner;
 - c. the hardship is not self-imposed;
 - d. the variance, if granted, will not adversely affect the use of adjacent property as permitted under this code;
 - e. that the variance, if granted, will not change the character of the zoning district in which the property is located, and is in keeping with the intent of this Code and the Boulder County Comprehensive Plan; and
 - f. that the variance, if granted, does not adversely affect the health, safety, and welfare of the citizens of Boulder County and is in accordance with the Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development.

3. In addition to any other procedural requirements which the Board of Adjustment may require in its duly adopted Supplemental Rules, no initial hearing on any variance application which anticipates new surface development may be held until the applicant provides a certification of compliance with Article 65.5 of Title 24, C.R.S. signed by the applicant, confirming that the applicant or its agent has examined the records of the Boulder County Clerk and Recorder for the existence of any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application, and stating whether or not any such mineral estate owners or lessees exist. If any such mineral estate owners or lessees exist, the Applicant must sign an additional certification confirming that the applicant has, at least 30 days prior to the initial public hearing on the variance, transmitted to the County and to the affected mineral estate owners and lessees the notices required by Article 65.5 of Title 24, C.R.S.
 4. In any case where information becomes known to the Community Planning & Permitting Director or the Board that an applicant has failed to provide notice of the initial public hearing on a variance as required by Article 65.5 of Title 24, C.R.S., the Board or the Director on behalf of the Board may continue, may reschedule, or may vacate the initial public hearing to allow proper notice to be provided under Article 65.5 of Title 24, C.R.S.
- C. Additional requirements for variances and appeals under Section 4-400 of this Code (“Floodplain Overlay District”) are set forth in Section 4-408 and 4-409, respectively.
- D. Request for variances from Article 13 – Sign Code
1. The Board of Adjustment shall have the power to hear an appeal from a decision based on an interpretation of any provision of Article 13 denying a sign permit on grounds other than those governed by the Building Code.
 2. The Board of Adjustment may grant a variance from the height, size and/or setback limitations for any sign regulated in Article 13 when, by reason of topography, road location or elevation, or other exceptional difficulties or unique circumstances associated with the parcel on which the sign is located, the sign would not be visible or serve its intended purpose under the existing size or setback regulations.
 3. The Board of Adjustment shall not have the power to grant a variance from any other provision of Article 13.

4-1203 Expiration

- A. Unless otherwise stated in the motion made by the Board of Adjustment, all rights to permits authorized by the granting of any variance shall expire one year from the time approval for a variance is final.

4-1204 Extensions

- A. An extension of up to six months for good cause shown may be granted by the Board of Adjustment.

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Thursday, September 1, 2022 7:16:45 AM

@L'Orange, Pete

-----Original Message-----

From: christopher.allred@everyactioncustom.com <christopher.allred@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 6:47 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Christopher Allred
Longmont, CO 80501
christopher.allred@colorado.edu

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] Ask a Planner - Catherine FinkJohnson - SU-22-003 - 1449 Pratt Way 80501
Date: Thursday, September 1, 2022 7:22:33 AM

@L'Orange, Pete

-----Original Message-----

From: Ask A Planner <no-reply@wufoo.com>
Sent: Thursday, September 1, 2022 6:50 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Ask a Planner - Catherine FinkJohnson - SU-22-003 - 1449 Pratt Way 80501

Boulder County Property Address : 1449 Pratt Way 80501 If your comments are regarding a specific Docket, please enter the Docket number: SU-22-003

Name: Catherine FinkJohnson
Email Address: cfinkjohnson@gmail.com
Phone Number: (818) 497-0998
Please enter your question or comment:

I am writing as a Longmont resident and frequent visitor to Lyons to request that you deny the requested lease extension to CEMEX. Mining is incredibly environmentally destructive and there is no way that extending the lease aligns with BoCo's Sustainability Plan. Additionally, even the Town of Lyons--although it might benefit most from extending the lease--released a request that you reject the application, and it stands to reason that BoCo Planning Commission and Boulder County Commissioners should act in accordance with their request.

Finally, not only does the CEMEX mine have negative health and environmental impacts in our local Boulder County communities, cement is also arguably "the most destructive material on Earth." I urge you to take this into account and consider Boulder County's wider environmental and health responsibilities as well. For all these reasons, please reject the proposed lease extension.

Thank you for taking my perspective into consideration.

Sincerely,

Catherine Fink

Longmont Mom & High School Teacher

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 4:19:40 PM

@L'Orange, Pete

-----Original Message-----

From: cafr1977@everyactioncustom.com <cafr1977@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 4:16 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Caroline Frischmon
Boulder, CO 80303
cafr1977@colorado.edu



REVIEW DRAFT

Date: November 11, 1999

To: Bruce Humphries
Jim Stevens
Carl Mount
Tom Gillis

From: Harry Posey

Subject: Cement Kiln Dust

In August 1999 the Environmental Protection Agency Office of Solid Waste proposed management standards for Cement Kiln Dust (CKD) waste. The following statements are taken from EPA's Environmental Fact Sheet issued at the time of the announcement of the proposed CKD management standards.

- Although current disposal practices cause some environmental damage, the Agency found that regulating cement kiln dust as a hazardous waste was not appropriate. Since some controls are needed, EPA is proposing a tailored set of standards for managing cement kiln dust waste.
- The Agency's preferred option is to provide management standards whereby CKD remains a nonhazardous waste so long as the waste is managed according to the requirements. Cement kiln dust becomes a regulated hazardous waste only if significant violations of the management standards occur.
- Under EPA's proposed standards, cement kiln dust is to be managed in landfills designed to meet specific performance requirements that protect ground water from toxic metals. In addition to performance criteria, the Agency is proposing technology-based standards that meet the performance criteria, such as using composite liners in landfills. Requirements for ground-water monitoring, corrective action, closure, and post-closure care are also included.
- To control releases of cement kiln dust to air, EPA is proposing a performance standard that requires facility owners and operators to take measures to prevent releases from landfills, handling conveyances, or storage areas. As an alternative to the performance-based standard, the Agency is proposing technology-based standards that require: (1) compacting and periodic wetting of CKD managed in landfills; (2) on-site handling of CKD in closed, covered vehicles and conveyance devices; and (3) keeping cement kiln dust in enclosed tanks, containers, and buildings when temporarily stored for disposal or sale.

There are three cement plants in Colorado. The Mined Land Reclamation Board holds permits on the limestone quarries associated with each of these plants as follows:

Holnam Inc., Portland Quarry, Florence, M-77-344.
Holnam Inc., Boettcher Quarry, Fort Collins, M-77-348

Southdown Inc., Lyons Quarry, Lyons, M-77-208

The cement industry has known that EPA would be proposing CKD management standards for some time. On August 5, 1998 a meeting was held with representatives from Holnam, the American Portland Cement Alliance, DMG and the Hazardous Materials and Waste Management Division in attendance. Holnam laid out their position on CKD management as follows:

- Protective management standards for the disposal of CKD are appropriate.
- In Colorado, the Hazardous Materials and Waste Management Division and/or DMG have authority to regulate CKD management.
- By exercising existing state authority, Federal rule may be unnecessary.
- Holnam wants to facilitate state agencies obtaining statutory authority to regulate CKD management.
- Holnam is seeking stringent regulation of management practices under state authority.

It was determined in discussions between DMG and Hazardous Materials and Waste Management Division that DMG is the appropriate agency to regulate CKD disposal. DMG regulation of CKD disposal is appropriate because:

- All three of the cement plants in Colorado dispose of CKD in mined out limestone quarry pits. CKD disposal in the quarries at all three sites has been ongoing for several years, and DMG has jurisdiction over the environmental impacts and reclamation of the quarries.
- DMG routinely permits and regulates the disposal of mining or processing waste generated from within a reclamation permit area. DMG does not generally regulate the landfilling of imported waste unless it meets the definition of inert waste in Rule 1.1(20). By bringing the areas of the cement plant where CKD is generated, stored or transported into the reclamation permit (see below), CKD becomes in effect a mining/mineral processing waste that DMG may regulate.
- DMG is the implementing agency for groundwater protection at active mines and thereby has the capacity to monitor for pollutants that may derive from CKD disposal.
- DMG has the authority to require stabilization of landfilled CKD, by periodic cover application or water application, to prevent dust generation (34-32.5-116(4)(j), C.R.S.).
- DMG has the authority to require final closure and reclamation of CKD landfills within the reclamation permit area.

The cement plants in Colorado are eager to come under DMG regulation of CKD disposal because CKD landfills not regulated in accordance EPA's proposed standards may be cited as unpermitted hazardous waste facilities. To this end, all three of Colorado's cement facilities have submitted technical revisions to incorporate CKD disposal standards into their reclamation permits. The technical revisions detail the geochemistry of the CKD, ground water protection measures and monitoring, dust control, and closure and reclamation. The procedure being followed by the DMG is to incorporate the CKD disposal standards into the permit through the technical revision process, then to include all areas of the operation where CKD is generated, temporarily stored, or transported into the permit through an amendment. From a regulatory

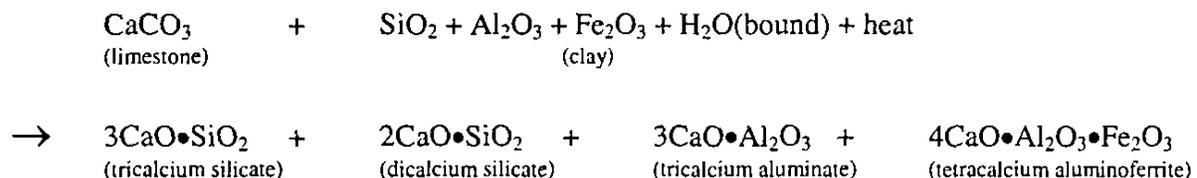
standpoint, approval of the amendment makes the CKD an onsite rather than an imported waste. From a technical standpoint, the cement plant must be included in the reclamation permit area in order to provide regulatory controls over the generation of the CKD, e.g., the types of fuel or chemicals used in the kilning process, which may effect the geochemistry of the CKD. In particular, if a cement plant were to begin using alternative fuels such as wood, tires, or waste oil, the potential changes to the nature of the CKD should be evaluated.

This memo discusses some of the details of CKD generation and disposal at the three Colorado cement plants. A discussion of the geochemistry of cement and CKD are provided for background.

The Holnam-Boettcher operation and the Southdown-Lyons operation have completed waste characterization studies and have established groundwater monitoring programs. The Holnam-Portland operation has completed waste characterization and some groundwater monitoring, and the division is processing a TR for continued CKD disposal at the Portland plant. Based on (a) leach test results, (b) chemical analysis of pit water adjacent to one of the quarries, and (c) CKD waste handling commitments, groundwater monitoring did not seem justified at the Lyons operation. The latter point – “CKD waste handling commitments” – was most important in reaching that determination and is discussed in the following sections.

A PRIMER ON PRODUCTION, CHEMISTRY, AND PROPERTIES OF CEMENT

Cement is produced by burning limestone and clay at very high temperatures in an inclined rotary kiln. It can take up to 2 hours for the raw materials to pass through the kiln depending on its length. As the mixture moves down the cylinder, it progresses through four stages of transformation. Initially, any free water is driven off, then calcination occurs by driving off bound water and carbon dioxide. After calcination, the limestone has been converted to lime (CaO). The third stage is called clinkering, where lime and decrepitated clay combine to form calcium silicates and calcium aluminates as shown in the following equation. The fourth stage in the process is the cooling of the clinker.



The compounds shown on the product side of the equation comprise 90 percent of portland cement. When water is added the two calcium silicates, which form approximately 75 percent of cement by weight, react to produce tobermorite gel and calcium hydroxide. Tobermorite gel is the main cementing component of cement paste. The average diameter of a grain of portland cement as ground from the clinker is about 10 μm. The particles of the hydration product, tobermorite gel, are on the order of a thousandth that size. The enormous surface area of the gel (about 3 million cm²/g) results in very large attractive forces, or cementation.

From the above discussion, it is clear that it is through the addition of water and hydration of cement that curing and hardening may occur. Concrete does not dry out to harden, as is commonly thought. When concrete dries, it actually stops getting stronger. The reaction of water with cement in concrete may continue for many years after the concrete is poured, and the strength of the concrete will continue to increase. Each of the basic components of portland cement contribute to its behavior. Upon the addition of water to cement, tricalcium silicate rapidly reacts to release calcium ions, hydroxide ions, and a large amount of heat. The pH quickly rises to over 12 because of the release of alkaline hydroxide (OH⁻) ions. This reaction is primarily responsible for the high early strength of hydrated portland cement. Hydrated tricalcium silicate compound attains most of its strength in 7 days.

Dicalcium silicate takes several days to set. It is primarily responsible for the later-developing strength of portland cement paste. Since the hydration reaction proceeds slowly, the heat of hydration is low. Hydrated dicalcium silicate compound produces little strength until after 28 days. Tricalcium aluminate exhibits an instantaneous or flash set when hydrated. It is primarily responsible for the initial set of portland cement and gives off large amounts of heat upon hydration. Gypsum added to portland cement during grinding of the clinker combines with tricalcium aluminate to control the time to set. Hydrated tricalcium aluminate compound develops very little strength, and shows little strength increase after one day, but is useful in varying concentrations and in combination with gypsum to control set times. Fast setting cement, with high concentrations of tricalcium aluminate, is less resistant to sulfate attack. Tetracalcium aluminoferrite also hydrates rapidly and develops only a low strength, but it does not exhibit a flash set.

In addition to varying the composition of the four major components of cement discussed above, speed of hydration is also affected by:

- Fineness of grinding. To achieve faster hydration, cements are ground finer.
- Amount of water added. Presence of a sufficient amount of water will speed the reaction rate and enhance workability of concrete. All concrete is mixed with more water than is needed for the hydration reactions. This is done to produce flowing concrete that will develop adequate 7 and 28 day strength. However, water not consumed in the hydration reaction will remain in the microstructure pore space. These pores make the concrete weaker due to the lack of strength forming calcium silicate hydrate bonds. Thus a higher water:cement ratio yields a lower strength concrete, and workability and reaction rate must be balanced against ultimate strength.
- Higher temperatures of the constituents (cement, water, aggregate) at the time of mixing will also speed the hydration reaction rates.

Certain admixtures may be added to concrete that will modify its characteristics. Use of admixtures must be evaluated carefully since improvement of one characteristic often results in an adverse effect on another characteristic. In addition to admixtures, concrete properties may be varied by using the different grades of portland cement that are available and by adjusting the basic ratios of the concrete mixture of water, cement and aggregate.

- Air-entraining agents, usually natural or synthetic soaps, create microscopic bubbles within the paste to relieve pressure and prevent cracking during freezing conditions.
- Calcium chloride is used to accelerate the set and development of strength of concrete. It improves workability, reduces bleeding, and creates a more durable surface. Possible problems include increased drying shrinkage, increase in the rate of heat liberation, and corrosion of reinforcing steel.
- Pozzolanic materials are siliceous substances (e.g., fly ash or pumice) that can be used in combination with or for partial replacement of portland cement. Pozzolan enhances workability with less total water, provides cost reduction through cement savings, reduces the heat of hydration, and increases resistance to sulfates. Disadvantages of pozzolans include slow development of final strength, increased drying shrinkage, and impaired durability.
- Set retarders may increase setting times for concrete by several hours. These agents generally improve workability so the amount of mixing water may be reduced with an increase in ultimate compressive strength.
- Superplasticizers increase ultimate concrete strength by decreasing the amount of water needed to prepare workable concrete.
- Five types of portland cement have been classified by ASTM specification C150. Types I and II are general purpose with Type II having lower heat of hydration and enhanced sulfate resistance by limiting tricalcium silicate and tricalcium aluminate content. Type III is a high early strength cement prepared by increasing tricalcium silicate and tricalcium aluminate and by finer grinding. Type IV is a low-heat-of-hydration cement prepared by limiting tricalcium aluminate and tricalcium silicate. This limitation also results in lower early strength. Low heat of hydration is critical in mass-concrete applications because heat can expand the volume of a large pour while the concrete is plastic, then differential cooling after hardening causes shrinkage cracking. Type V is a sulfate resistant cement prepared by reducing sulfate susceptible tricalcium aluminate content to a minimum. Note that the pozzolan admixture can enhance Type IV and V cements, while at the same time reducing cost.
- The water cement ratio is the prime factor affecting the strength of concrete. In applications where high strength is critical, the mixing water should be reduced to the minimum needed to attain necessary workability.
- Cement content in the concrete mix is also critical to ultimate compressive strength, with strength decreasing as cement content is decreased. However, cement is by far the most expensive component of concrete, so an economic advantage is gained by using as little as possible while obtaining the minimum specified strength.
- Contrary to popular belief, concrete does not harden by drying, but rather by hydrating. Curing conditions are vital to the development of ultimate compressive strength, and moisture must be maintained in the concrete during the curing period. Concrete strength is detrimentally affected by curing in a dry atmosphere.
- Mixing water needs to be pure in order to prevent side reactions from occurring that may weaken the concrete or otherwise interfere with the hydration process. Potable water is often specified.

CEMENT KILN DUST

Cement kiln dust (CKD) is a by-product of cement manufacturing. It is an inorganic material collected in the air pollution control devices of portland cement manufacturing plants and is the finely-divided particulate matter carried from the cement kiln by exhaust gases. The dust is composed of variable mixtures of calcined and uncalcined feed materials, fuel combustion byproducts, condensed alkali compounds, and fine cement clinker formed during the high temperature processing. Alkalis may be concentrated in the dust through volatilization in the high temperature zones in the kiln then condensed in the exhaust gases as they pass through the dust collection system. The composition of CKD varies depending on production conditions and the nature of the raw material and fuel. The actual form of the components may typically be:

Calcium Carbonate (CaCO ₃)	10 percent
Available Lime (as CaO)	30-50 percent
Potash (as Na and K salts)	6-10 percent
Chloride	4 percent

Remembering the stages of cement clinkering in the kiln, it can be seen that CKD example above is made up of the raw materials for clinker manufacture, which are limestone (CaCO₃) and calcined limestone or lime (CaO). It makes sense that the kiln exhaust would contain dust made up of pre clinker raw materials, because by the time clinker is formed the material is molten and would not produce much dust. Most cement plants recycle their kiln dust into the kiln. However, complete recycling is not possible due to a build up of undesirable elements as discussed below. CKD is not portland cement and does not exhibit the complex cementitious properties of portland cement. For most CKD, the chemical and physical behavior is dominated by the lime (CaO) component. CKD contains little calcium silicate, which is the basic ingredient of cement. Continuous recycling of CKD concentrates alkalis (potassium and sodium), chloride, and sulfate, which adversely affect the clinkering process and force the kiln operator to shunt a certain percentage of CKD. Recycled CKD also concentrates volatile metals making recycled CKD disposal potentially more likely to release metals to the environment.

This memo distinguishes between what is termed "fresh" CKD and "weathered" CKD. These materials differ in their physical properties and in their response to leach testing, metals mobility, and effects on pH. These differences are discussed. Some CKD may contain large quantities of calcined feed materials, alkalis and sulfur compounds, or both, while others may be primarily composed of uncalcined raw feed. Many CKDs are easily compacted and reactive with small quantities of water to form a low strength cementitious mass; some may show only mild reactivity and be non-consolidating. The following discussion of "fresh" and "weathered" CKD assumes a limey CKD.

"Weathered" CKD. As discussed above, most CKD is largely composed of lime. Lime is a simple cementing material produced by driving water and carbon dioxide off limestone (calcining). Its cementing properties arise from the reabsorption of the liquid and gas that has been expelled and the formation of chemical compounds similar to the original limestone raw material. Left exposed to the atmosphere, CKD will react, cure and harden. Its ultimate composition will become *limestone*. Thus, in that regard, *weathered CKD is not CKD* at all. It is limestone.

What will actually form when CKD is exposed to the atmosphere is a cohesive mass that looks like rock but which is soft, easily broken, and which can be pulverized with gentle abrasion even in the hands. In this memo, this type of CKD is called "weathered" CKD. "Weathered" CKD is distinguished from "fresh" CKD, described following.

"Fresh" CKD. The lime in "fresh" CKD – CKD that has not been exposed to the atmosphere – has a great affinity for water. When CKD is exposed to atmospheric moisture or meteoric water it begins to hydrate or slake. To fully slake CKD, it would have to be thoroughly mixed with two to three times its weight of water. This is unlikely to occur in most CKD disposal areas, but some portion of disposed CKD will slake. More so if the CKD is disposed of in a water filled pit. When the lime in CKD combines with water calcium hydroxide is formed in an exothermic reaction. The resulting product is a finely divided calcium hydroxide which, upon cooling, stiffens to a putty and will eventually season and cure to weathered CKD. Incomplete slaking of CKD, which is the likely situation at a quarry disposal site, will likely result in a variable mass of weathered and fresh CKD and hydrated CKD present as a fine powder. Unless there is significant dilution, CKD in water will increase pH. Paste pH measurements can range up to 12.

Source of CKD Pollutants. Fully "weathered" CKD, which is actually limestone, tends strongly not to release metals when placed in water. However, if pulverized, metals can be released, but pH does not increase. Release of metals due to pulverization is a surface area effect, alone; any rock, if crushed or ground will release more metal to solution in a fixed period of time than that same rock will release if left uncrushed. Because pulverization generates a high surface area, some "weathered" CKD can release high metals.

Elements that were present in the clay or limestone prior to kilning for cement manufacture may dissolve when "fresh" CKD is placed in water. The major element and trace element compositions of the clay and limestone prior to calcining determines what elements may appear dissolved in the water to which "fresh" CKD is added. Most of the dissolved metals come from clay, not limestone. As discussed previously, volatile metals tend to concentrate in CKD at kilns that employ continuous CKD recycling.

Limestone (CaCO_3) typically does not contain significant concentrations of trace elements other than strontium because the calcite structure accommodates elements only of specific charge and size. Locally, Zn and/or Ba can be high in some limestones, but most other trace elements appear at low levels in limestone. Moreover, limestones that are selected for cement manufacture are chosen for their low percentage of impurities (clay and other silicates) so tend toward more pure, or high CaCO_3 rocks. Thus, the limestone raw material component cannot contribute much dissolved metal when lime or "fresh" CKD is exposed to water.

Clay minerals, however, are noted for containing high concentrations of many trace elements. Informally, clay minerals are called "garbage" minerals because their structure accommodates elements covering the complete range of size and charge. While these elements are tightly bound and not significantly released during weathering, the process of calcining breaks bonds and disrupts the mineral structure, freeing up both the major elements and associated trace elements from the clay minerals. Thus, elements that may be released when CKD is exposed to water come dominantly from the calcined clay minerals. It follows that the pollutants which may

derive from CKD in water will differ depending on the type of shale and its particular suite of clay minerals.

LEACH TESTING

Some of the above characteristics of CKD have become evident in part through leach testing conducted by the companies involved. Leach tests conducted on "fresh" CKD differ extremely from "weathered" CKD. The results are characteristic not only of the "type" of CKD but also the leach method.

"Weathered" CKD leach tests yielded small amounts of metals by most leach methods, but never high pH. On the other hand, natural water samples collected below "weathered" CKD piles tended not to show elevated metals or anomalous pH.

"Fresh" CKD leach tests produced elevated concentrations of several metals, regardless of the leach test method. "Fresh" CKD also produced high paste pH and leachate solution pH.

CKD HANDLING

From these tests, it is evident that CKD chemistry is controlled by weathering. Most fresh CKD bag-house dust is very reactive if placed directly in water. However, fresh CKD placed in thin layers on the ground where precipitation can reach will typically harden and cure to become a layer of pulverulent material similar to plaster or whitewash and consisting largely of calcium carbonate (limestone). If a CKD disposal plan calls for spreading in thin layers within a disposal cell, the CKD should be wetted to prevent fugitive dust emissions during spreading operations.

Disposal of CKD into water would not allow it to harden or cure. Disposal in water would result in elevated pH and may facilitate leaching of metals. Disposal below the natural ground water table should not be undertaken. Disposal into quarry pits filled with surface water should only be done after adequate evaluation of the potential for leachate migration and installation of down gradient ground water monitoring. The fact that a quarry pit fills with surface water is a good indication that the quarry is cut into low permeability strata, and the leachate migration will be minimal. CKD disposal should not occur in a floodplain unless it is demonstrated that the flood would not wash CKD into the stream.

CKD DISPOSAL

Based on field examinations of the three CKD sites, leach test results, and surface and groundwater analyses, the following general recommendations for CKD disposal are suggested. These suggestions distinguish between "fresh" CKD and "weathered" CKD – "fresh" CKD being that which is collected directly from a bag-house, and "weathered" CKD being that which has been in contact with the atmosphere, rain or snow for several weeks.

1. Fresh CKD should not be placed directly in ponded water. If conditions require such disposal, or if such disposal occurs inadvertently, the Division should institute groundwater monitoring.

2. "Fresh" CKD should never be placed, or allowed to be placed inadvertently, in open flowing water or in areas, such as flood plains, where open flowing water may reach the "fresh" CKD prior to a few weeks of curing.
3. "Fresh" CKD should be spread in thin layers (no more than a few feet thick) and immediately watered. Watering will help control dust and will aid the transformation from CKD to limestone. (Watering is effectively accomplished at the Holnam Portland Quarry in Florence where fresh CKD is covered with sewer sludge.)
4. Except where "weathered" CKD is to be subsequently covered and thereby disturbed, "weathered" CKD should not be significantly disturbed so as to re-pulverize it.

GROUNDWATER MONITORING PARAMETERS

Groundwater monitoring generally seems unnecessary unless "fresh" CKD is to be exposed to surface waters or unless "weathered" CKD is to be pulverized and exposed to groundwater.

1. Where groundwater monitoring is deemed appropriate, it is recommended that a representative suite of indicator elements be developed from site specific CKD leach tests and ambient groundwater conditions. Because clay compositions differ from site to site, a single set of parameters does not seem appropriate.
2. Monitoring parameters should ideally consist of elements or compounds that consistently reported above detection limits in groundwater samples or that consistently reported well above detection limits in CKD leach tests.
3. Where sewer sludge, compost, or other organic materials or amendments are anticipated to come into contact with the CKD, or where reducing conditions can be expected to result, Mn might be used as a monitoring parameter. Mn is a typical component of limestone and can be mobilized under reducing conditions. Use of Mn for monitoring might be given extra consideration
4. Even though high alkalinity is a feature of "fresh" CKD weathering, it is not recommended that pH alone be used as a monitoring parameter where pollution from high pH might be anticipated. Because pH is a logarithmic representation of hydrogen ion activity, a unit shift in pH represents a 10-fold increase (or decrease) in H^+ activity. For instance, a pH 8 solution contains 1000 times greater hydrogen ion activity than a pH 11 solution; thus, unless the pH 11 solution comprises an extremely high percentage of a pH 8 and pH 11 solution mixture, pollution by the high pH solution would be masked and not detectable. A 50:50 mixture could not be detected.
5. Until the degree of variability on the dust source is well established, period leach testing of the CKD should be conducted. The technical revision for the Holnam Boettcher Plant requires TCLP testing on CKD samples semi-annually.

REFERENCES

Merritt, F.S., Standard Handbook for Civil Engineers. Third Edition, McGraw-Hill, Inc.

ASTM D 5050-96, "Standard Guide for the Commercial Use of Lime Kiln Dusts and Portland Cement Kiln Dusts."

Adelaide Brighton Cement, Birkenhead Division, "CKD Product Information."

EPA Federal Register Document, August 1999, "Standards for the Management of CKD."

University of Illinois, Materials Science and Engineering, "Concrete Scientific Principles."

cc: Mike Long
Jim Pendleton

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Date	Technical Revision	Action	
1998		Sweede Ditch which run along the wet rim of C-Pit was all enclosed in a 4 foot diameter corrugated steel pipe in 1998 in preparation for conversion of C-Pit from active quarry to CKD Storage	
1999		* C-Pit was prepared in 1999 to be converted to disposal area for CKD	
1999		* It was designed for 600,000 cubic yards over the next 20 years (1999)	
August 2, 1999		DRMS Approves CKD from adjacent Lyons cement plant into the quarry pit	https://drweblink.state.co.us/DRMS/PDF/rev112rev2/ubed5edkm0r11_FCVISION%20-%20M1977208%2031.pdf
January 31, 2000	TR1	Approval of CKD Disposal with TR-1	https://drweblink.state.co.us/drms/0/doc/832920/Page1.aspx?searchid=67440db-3a11-40a1-8860-fea65de67c5e
September 2, 2003	TR2	Approval of 10-acre on-site disposal area to dispose of concrete rubble for use at the close of demolition of concrete plant - 30 to 45 feet of concrete deep (3-4 stories), 80,000 cubic yards - 10 acres = 2.5 square city blocks	https://drweblink.state.co.us/drms/0/doc/003484/Page1.aspx?searchid=fb279a6c-319-4342-bf4f-8e433096a6cf https://drweblink.state.co.us/drms/0/doc/562871/Page1.aspx?searchid=fb279a6c-319-4342-bf4f-8e433096a6cf
December 23, 2004	TR3	Revise the reclamation plan to include the retention of roads, reclamation of the leading Pond highwall and installation of a 6-foot chain link fence with barbed wire along the A-Pit highwall	
Feb 28, 2005	TR4	Revise the sampling, analysis and reporting plan for the ground water monitor and compliance points - Pump water from C-Pit to Plant	
Feb 28, 2005	TR5	Handling C-Pit water	
January 17, 2006	TR6	Further modification of C-Pit to Plant Pumping System, Purchasing and Installing the Acid Tank and Neutralization System	https://drweblink.state.co.us/drms/0/doc/502884/Page1.aspx?searchid=Def3462-50f3-44ef-ae56-41777f412939
March 29, 2006	TR7	Treating C-Pit Water for Selenium and pH Levels	https://drweblink.state.co.us/DRMS/PDF/rev112rev2/ubed5edkm0r11_FCVISION%20-%20M1977208%2031.pdf https://drweblink.state.co.us/drms/0/doc/0661193/Page1.aspx?searchid=864a4a2c-114c-449b-a7fa-bc9707bde6d4
May 9, 2007	TR8	Conduct investigations at C-Pit and Install Compliance Well, Using Dowe Flats material to fill in C-Pit	https://drweblink.state.co.us/drms/0/doc/597087/Page1.aspx?searchid=28e474c-14c1-46a7-8e4b-e50ca6ad8856
November 19, 2008	TR9	Continued Monitor of C-Pit, Address Seepage Migration into C-Pit and Dispose of Used Kin Brick into C-Pit *The quality of C-Pit water has degraded sufficiently to raise concerns for potential waterfowl exposure*	https://drweblink.state.co.us/drms/0/doc/873872/Page1.aspx?searchid=65637a29-b197-467f-8baa-7b0cc3849846
	TR10	Elimination of Risks to Waterfowl - Not Damaged in Multiple Windstorms and Beyond Repair	C-Pit - Infiltration of Water into this Area Limited the Use of this Area for Purpose of Disposal of CKD https://drweblink.state.co.us/drms/0/doc/863603/Page1.aspx?searchid=cb8b0bc-ef06-447e-aa48-ca68b14714c4
	TR11	Revised Water Monitoring, Updates on C-Pit and CKD Monitoring Issues, and Continued use of C-Pit for CKD Disposal	
June 17, 2014	TR12	Updates to Water Quality Monitoring Goals and Placing of Sediment from Flood into C-Pit - C-Pit CDK Storage limited by DRMS ...	
May 13, 2015	TR13	Update Bond for Installation of Several Plant Environmental Systems Being Installed - Activated Carbon Injection (ACI) System to Reduce Mercury Emissions from the Kin Flue Gas - Lime Injection System (LIS) designed to allow for alternative monitoring for HCl Emissions - ACI and LIS will deliver powder directly into effluent gas streams of the kin - Install Selective Non-Catalytic Reduction (SNCR) in order to comply with US EPA Consent Decree and control NOx Emissions SNCR is a 30,000 gallon aboveground storage tank with secondary containment and fencing. - Associated Pump Building - Demolition Estimate of \$127,127	https://drweblink.state.co.us/drms/0/doc/1068410/Page1.aspx?searchid=cb8b0bc-ef06-447e-aa48-ca68b14714c4
October 16, 2015	TR14	TR - 14 - Weed Management Plan	https://drweblink.state.co.us/drms/0/doc/10957772/page1.aspx?searchid=cb8b0bc-ef06-447e-aa48-ca68b14714c4
June 27, 2016	TR15	Addition of Activated Carbon and Hydrated Lime into the Kin Exhaust System, and Subsequent Disposal of the Altered CKD in C-Pit	
February 27, 2018	TR16	TR - 16 - Approved Reclamation Seed Mixtures	
	TR17	Better CKD Disposal Practices to Minimize Fugitive CKD Dust Events - Extension Request to August 31, 2022 - Automated Sprinkler system to Water CKD Disposal Site	
		Major Activities * Relocated Boulder Feeder Canal from 1981 to 1987 * Enclosed Sweede Ditch in a 4 foot Steel Pipe to convert C-Pit to CKD Storage * Purchasing and Installing Acid Tank and Neutralization System * Pumping water from C-Pit back to the Plant * Starting using C-Pit for CKD Storage in 1999 after C-Pit was mined out in 1993	

SNCR

- 35,000 gallon steel Aboveground Tank - \$18,000
- Dispose of 15,000 gallons aqua ammonia solution (19% ammonia)- \$15,000
- Remove & dispose of 192 linear feet of chain link fence @ \$10/ linear ft.- \$1,920
- Remove ~ 3500 sq. ft. concrete @ \$10.00/sq. ft.-\$35,000
- Remove Associated piping to Plant ~ 300 ft. x \$3.50 linear ft. - \$1,050
- Remove skid pump assembly and landfill - \$3,000

Lime Injection

- Remove and salvage lime silo-\$14,000
- Remove associated piping ~ 70 feet pipe-\$700
- Remove 72 Sq. Ft Blower Building- \$2,500
- Remove 200 Sq. Ft Silo Foundation- \$4,000

Activated Carbon Injection

- Remove and salvage carbon silo-\$14,000
- Remove associated piping ~ 25 feet pipe-\$400
- Remove 200 Sq. Ft of concrete foundation-\$4,000
- Dispose of 2,000 lbs. activated carbon-\$6,000

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 4:18:58 PM

@L'Orange, Pete

-----Original Message-----

From: drb@everyactioncustom.com <drb@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 4:09 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Rabbi Deborah Bronstein
Boulder, CO 80303
drb@harhashem.org

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 4:19:32 PM
Attachments: [SU-22-0003 Special Review Criteria Compliance 8.31.22.pdf](#)
[SU-22-0003 - Letter from Sarah Lorang 8.31.22.pdf](#)
[SU-22-0003 BCCP Compliance 8.31.22.pdf](#)

[@L'Orange, Pete](#)

From: Diana vann <dvann007@gmail.com>
Sent: Wednesday, August 31, 2022 4:14 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

August 31, 2022

To the Boulder County Planning Commission:

My name is Diana Vann, and I live at 12996 Foothills Highway. I am writing in regard to SU-22-0003. I am in full agreement with Sarah Lorang and am attaching her letter and documentation as to why CEMEX should not be allowed to extend any operations at Dowe Flats.

Thank you for your time,
Diana Vann



FRONT RANGE EAGLE STUDIES

August 21, 2022

Comments by Front Range Nesting Bald Eagle Studies (FRNBES) on CEMEX Dowe Flats Mining and Reclamation Extension (SU-22-0003)

Dear Planning Commissioners, our valued volunteers,

Thank you for considering these comments from Front Range Nesting Bald Eagle Studies (FRNBES). As the Planning Commission has heard in many public comments, the mining at Dowe Flats is inextricably linked to the Cemex Cement plant operation. Staff has applied the wrong framework of existing use for this Special Use Permit with respect to Cemex's request to the County for a 15-year mining renewal. Dowe Flats has been the principal source of raw materials for the Cemex plant for years, and as has been pointed out, there is a conveyor belt that physically links the two sites. One can't operate without the other. The Planning staff's report is from the narrow perspective that the current issue only involves the current Dowe Flats mine site, and whether a new permit can extend mining at Dowe Flats for 15 more years.

Before any agreement can be considered and properly reviewed, the County must consider the impacts of the Cemex Cement Plant that is physically linked to the Dowe Flats mine. If a new 15-year permit is granted—after the current mining permit expires—the Cement plant operation will continue with certainty. To this date, there has been no evidence or plans presented by Cemex or County staff to indicate any likelihood that materials could be feasibly trucked to the Cement plant. Feasibility in this scenario includes economics, and public health and safety related to the transportation of these materials to the Cemex plant. We encourage the Planning Commissioners to weigh these “feasibility” issues carefully during tomorrow's presentation by Cemex.

According to numerous sources, the Cement plant uses outdated technology dating back to the 1960s and utilizes coal-fired power. Numerous credible sources document that the Cemex plant is one of the most significant polluters in Boulder County and the largest emitter of greenhouse gasses. Before any agreement can be considered and reviewed, the County must consider the impacts of the Cement Plant, and these include pollution, greenhouse gas emissions, noise, traffic, light pollution, impacts to significant wildlife habitat, specifically raptors, and visual and health impacts. None of these impacts have been seriously considered by staff in its reports, as the focus has been exclusively on Dowe Flats, not the linked Cement plant.

Staff's evaluation continues to focus on this permit as being “continuing” with nothing changing at the mine site, except for deeper excavation of existing pits. For instance, staff has addressed concerns regarding visual and hydrologic impacts, but once again, only from the standpoint of this being a “continued operation”. A serious omission by staff is the failure to address the next 15 years of impact from a baseline reference point of a permit set to expire in weeks, with

promised reclamation work to be completed by 2025. That baseline reference should be a reclaimed site, one which County residents expected, and is nothing akin to an extension of the existing pits to new depths.

County staff have failed to address potential impacts on wildlife, particularly raptor “species of special concern” that include golden eagles, ferruginous hawks, and bald eagles. Comprehensive studies of habitat use and numbers are necessary to evaluate whether usage patterns and numbers of these raptors have changed since the area adjacent to Dowe Flats was acquired as open space. For example, a significant portion of former agricultural land on the south flanks of Rabbit Mountain became colonized by Black-Tailed Prairie Dogs (BTPD) after 2008, and these colonies are now present on Boulder County open space land (see map attachment North Raptor area; FRNBES unpublished data, 2022). Google Earth maps indicate BTPDs were likely exterminated on this same private agricultural land prior to open space acquisition, during the early years of the Dowe Flats permitting.

Boulder County winter raptor survey records shared with Front Range Nesting Bald Eagle Studies (FRNBES)) suggest that there have likely been changes in raptor usage in the south Rabbit Mountain area, coincident with the addition of BTPD colony sites (North Raptor area; see map). In addition, FRNBES has been studying a bald eagle communal roost along the south flanks of Rabbit Mountain that appears to have been previously undocumented. The inception date of this communal roost is uncertain, but it could be related to the addition of BTPD colonies on open space lands nearby.

A significant number of the raptor perch locations on the accompanied map (see North Raptor area) were all recorded by FRNBES during the past year. Many of these perches in the blue outlined map area have been utilized repeatedly by golden eagles, ferruginous hawks, and bald eagles, all due to the significant BTPD prey source nearby. Three common use perches in the North Raptor area (see attached mapped, on east margins of the north Dowe Flats pits) have been repeatedly utilized by both golden and bald eagles, hunting BTPDs nearby.

With respect to these three raptor species, much has definitively changed in the North Raptor area since the initial Dowe Flats permitting in the 1990s. The significant addition of the large BTPD colonies localized in the North Raptor area—since inception of the Dowe mining permit—must be a carefully considered, as these raptors congregate in abundance in fall and winter at this site.

An environmental assessment of the North Raptor area must be conducted before any new permitting should be considered. Boulder County would be well advised to employ an independent contractor to conduct these studies, as Boulder County Parks and Open Space (BCPOS) has cosigned Cemex’s special use application. As a co-signee with Cemex, BCPOS is now a co-applicant on this Special Use Permit and should recuse itself in any advisory capacity. BCPOS can no longer objectively serve in such advisory role. As is public knowledge, BCPOS would become the primary beneficiary of roughly \$15 million in land and cash that Cemex offered in exchange for the County’s agreement of a new Special Use Permit. BCPOS has a clear bias and has lost any standing to advise objectively in this matter.

The continuation of mining at Dowe Flats and linked operation of the Cemex plant will certainly result in continuing levels of pollution, greenhouse gas emissions, noise, traffic, light pollution, and impacts to wildlife habitat—specifically raptors— and visual and health impacts. Boulder County’s decision to ignore its IGA agreement with the Town of Lyons, excluding them and other stakeholders in ongoing negotiations with Cemex is deeply troubling. The Town of Lyons must be included in these negotiations. We request that the Planning Commission advise that no Special Use Permit be granted to Cemex in this application.

Sincerely,
FRNBES
Director, Dana Bove

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 5:01:49 PM

@L'Orange, Pete

-----Original Message-----

From: rmme44@everyactioncustom.com <rmme44@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 4:41 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Dr. Rhea Esposito
Boulder, CO 80305
rmme44@yahoo.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Thursday, September 1, 2022 7:17:45 AM

@L'Orange, Pete

-----Original Message-----

From: emily.frances.jacobson@everyactioncustom.com <emily.frances.jacobson@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 7:51 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Emily Jacobson
Longmont, CO 80501
emily.frances.jacobson@gmail.com

From: [LU Land Use Planner](#)
To: [L"Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 4:28:48 PM

-----Original Message-----

From: ednabjohnson@everyactioncustom.com <ednabjohnson@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 4:27 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

Please do not allow CEMEX to extend its operations per their recent request. Said simply, it is shameful that the County would consider allowing the biggest polluter in the county to continue operations.

As residents of Boulder County and as the owners of a hotel that will be built in Lyons, we believe our health and well-being – along with those of all Boulder residents and visitors – is far more valuable than an outdated Mexican-owned cement plant.

CEMEX gives little to nothing back to the county. If you take the time to validate what other large polluters in this country contribute to their local communities, you will learn that these companies pour hundreds of thousands, if not millions, of dollars annually into the areas they foul. CEMEX tosses a few thousand at Lyons each year and then pats itself on the back for its good citizenry.

And if you do other research, you will note the dismal track record of Mexican corporations in terms of pollution, human rights and community service. The Boulder County CEMEX plant follows that mindset.

And, finally, if you do a little more research, you will learn that CEMEX could long ago have made upgrades that would have reduced some of its noxious emissions. They chose not to. Doesn't that say it all? Money over the environment.

If you grant the CEMEX request, you are putting selfish corporate interests ahead of people, wildlife and plants. And if do so, shame on you.

Sincerely,
Edna Johnson
Longmont, CO 80503
ednabjohnson@yahoo.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] Ask a Planner - Emily McMurtrey - SU-22-0003 - 13301 55TH STREET
Date: Thursday, September 1, 2022 7:19:49 AM

[@L'Orange, Pete](#)

From: Ask A Planner <no-reply@wufoo.com>
Sent: Wednesday, August 31, 2022 10:03 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Ask a Planner - Emily McMurtrey - SU-22-0003 - 13301 55TH STREET

Boulder County Property Address : 13301 55TH STREET

If your comments are regarding a specific Docket, please enter the Docket number: SU-22-0003

Name: Emily McMurtrey

Email Address: FD3113@GMAIL.COM

Phone Number: (970) 541-4909

Please enter your question or comment: I attached my comments in a Word Doc for convenience; however, I have also copied them below in the event the file does not upload properly.

Subject: Public Comment for Planning Commission Public Meeting, 1:30 p.m. Thursday, September 1, 2022

To the Boulder County Planning Committee,

I wish to enter my personal & public comments regarding CEMEX and its operations.

My background: I have an extensive natural resource background and over 22 years of experience in this profession. I am a northern Colorado native and do my part to protect our natural resources and open spaces. I am a woman in agriculture and have started my business from the ground up. I have specialized knowledge in land management, noxious weeds, ditches and irrigation.

Comments: Without the help of Cemex, my grazing business, would not exist today. Housing prices, land and leases on agricultural land in Boulder County are prohibitive to minorities, women and low-income families. The agricultural industry is even more prohibitive to newcomers. Boulder County prides itself with diversity and cultural inclusion. I reference the purpose of Boulder County's Cultural Responsiveness and Inclusiveness Strategic Plan

“to add a cultural responsiveness and inclusion lens to all that the Boulder County Parks & Open department (BCPOS) does, with an initial focus on increasing participation and engagement with the Latinx community. The plan was developed in 2020-21 with the assistance of Trestle Strategy Group and CLACE. The recommendations and results of the CRISP will have effects across the entire community by serving as a model for future efforts to increase the department's engagement with other underserved groups in Boulder County.”

I would like to point out a few important things I have not heard specifically discussed thus far in the permit negotiations. Cemex is a global company and brings a wide variety of employee and their

families in from across the globe. They work in Boulder County and contribute to Boulder County and add the desired cultural diversity to the county. Many of the employees are minorities. I do not know the full extent of diversity at the plant or the total number of employees, but I imagine the diversity at the plant is significant and adds much diversity to Boulder County. What will happen to our diversity without the plant? I urge you to consider the loss of diversity in this community.

I would also like to give praise to Cemex for their community engagement and how they help those minorities in need. I have witnessed firsthand Cemex's generosity care and goodwill towards those in the community. I am a woman in agriculture and started my business from the ground up, which is extremely difficult in Boulder County. Cemex gave my business and goats a reliable and stable home. Cemex helped improve infrastructure on existing agricultural land and did a tremendous amount of restoration work after the 2013 flood to help accommodate bringing me on as a tenant. I have been part of a volunteer projects to plant native trees, participated in education programs and heard about partnerships with students from Lyons. Our local Cemex plant cares about its surrounding natural lands and its local community members. The good deeds and relationships seem to have been lost and forgotten throughout this process. Myself, and the other lessees, are most grateful for the opportunities we have found with Cemex.

Lastly, I would speak to the state of the lands surrounding the plant. With my natural resource background and expertise in natural resource management, I can attest to the importance of the land surrounding the plant. The area is a major wildlife corridor and supports native wetlands and vegetation, large predators (mountain lions, bobcats, black bears), whitetail deer, mule deer, reptiles, migratory birds, and the list goes on. The wildlife diversity and thriving ecosystem surrounding the plant is intact and remains healthy despite mining operations. The diversity currently on these lands currently shows they are important lands, but also that they are thriving under current conditions. There are Cemex owned parcels that have sat idle for a number of years due to infrastructure challenges and not having tenants, which show an increase in prairie dogs and weeds; however, I can point to many Boulder County and City of Boulder parcels in similar states. Consider the number of staff at Boulder County dedicated to land management against the acreage managed by Boulder County. Next compare staff at Cemex dedicated to land management compared to the acreage Cemex owns. Considering the latter figure, I believe Cemex has performed well.

I wish to leave you with my recommendation to consider the diversity Cemex has brought to Boulder County and what that diversity means to Boulder County's CRISP. Consider what the loss of jobs and diversity will do to this community, which will not be recovered when the land is turned over to open space. I urge you to remember the positive community engagement from the plant in recent and past years. I urge you to consider the natural diversity (plants & wildlife) currently present and thriving on Cemex land and the wildlife value it already serves and adds to this area.

Emily McMurtrey
Owner and Operator
Mutton Mowers
970-541-4909

Attach a photo or document (optional): <https://bouldercounty.wufoo.com/cabinet/7d3ec5df-7b99-4db0-b7d5-0416e19b7d99> - 15.56 KB

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Thursday, September 1, 2022 7:17:56 AM

@L'Orange, Pete

-----Original Message-----

From: genacline@everyactioncustom.com <genacline@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 7:58 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Ms. Gena Cline
Louisville, CO 80027
genacline@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Thursday, September 1, 2022 7:17:14 AM

@L'Orange, Pete

-----Original Message-----

From: lezahwolfe@everyactioncustom.com <lezahwolfe@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 7:25 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Ms. Hazel McCoy
Longmont, CO 80501
lezahwolfe@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Thursday, September 1, 2022 7:22:50 AM

@L'Orange, Pete

-----Original Message-----

From: julemclaughlin55@everyactioncustom.com <julemclaughlin55@everyactioncustom.com>
Sent: Thursday, September 1, 2022 7:05 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Ms Julie McLaughlin
Longmont, CO 80503
julemclaughlin55@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Thursday, September 1, 2022 7:16:31 AM

[@L'Orange, Pete](#)

From: kathyleonard60@gmail.com <kathyleonard60@gmail.com>
Sent: Wednesday, August 31, 2022 6:22 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Hello, My name is Kathy Leonard. I live at 1635 Norwood Ave, Boulder, CO 80304.

I understand today's meeting is on four specific points. I would to address point #2.

2) The cumulative public health effects of 15 more years of operations

When discussing the impact of 15 additional years of mining at Dowe Flats, Staff intimated that there is no additional impact because the boundaries are not being extended. Is that really true though? People have assumed this means that CEMEX just plans to dig deeper pits, not dig new ones. In CEMEX's application, they state, "If CEMEX, Inc. continues to mine the mineral resources that are all within the currently permitted disturbance boundary, no additional land will be disturbed." That is, no additional land [in the boundary] will be disturbed. That leaves the door open for more land to be disturbed, just within the boundaries at Dowe Flats. Regardless of where, specifically, the mining is happening, there are also inherently going to be significant impacts to 15 years of mining. For example, if CEMEX plans to dig existing holes another 15-30 feet down, what will that do to the water table? Neighbors with residences near Dowe Flats have reported water tables at their homes as shallow as 12 feet below ground (today). A lot has also changed as it pertains to the environment, community, wildlife, and weather patterns since the resolution for Dowe Flats was passed in 1994. For example, the number of visitors who pass through Lyons (and the Dowe Flats area) to go to Rocky Mountain National Park every year has increased by more than 157% since 1994.

When providing more information on the "cumulative public health effects of 15 more years of operations", Staff didn't offer any new information or really answer the Commissioners questions at all. Instead macro-level air quality and emissions data from CDPHE was pulled from a website and provided as having responded to concerns about the cumulative health effects. **Without a current environmental impact study, which should have been completed when this application was filed (but has not been done), how can staff say the criteria surrounding impact is met?** A review of the acute and local impact must be measured for Staff to even comment on this criteria, and by omitting any of that very reasonable due diligence, I believe that makes CEMEX's application incomplete, which also means that it should be rejected. Absent the ability to demonstrate any understanding or thought into the acute and local impact of more mining, the criteria for Special Review items 2, 4, 12, and 13 cannot be met.

In addition, this plant has been the subject of I believe 12 formal enforcement actions by the Air Pollution Control Division. Their pattern is to just pay the fine. That serves them because it is less expensive then doing what would be necessary to be in compliance. That is even a better deal since any improvements would threaten their legal, non conforming status. That leads to a entire discussion on why they have not been required to speedily be brought into conforming status.

I will admit I am not an expert in these areas, but have really tried to do my homework. The more I have

learned, the more upset I have become. I could comment on all four points, but the story is the same for all of them when you dig into the history and applicable law: this application does not meet about 11 of the 13 Special Use Criteria Review, and thus should be rejected. Staff's interpretation of the Recommendation & Supplemental Memo sound like they are trying to get to an approval any way you can; even if that means stretching the truth, misapplying policies, errors in the law, contradicting themselves when it suits their purposes.

One of the biggest fallacies is that the plant will operate forever. In addition, lets not kid ourselves, Cemex will be back in 15 years with another request that serves their means. I actually don't blame them; that is sort of their job. Your job is to honestly apply applicable laws and polices and serve the people of Boulder. Right now you are serving a plant that I think has about 4 people working there.

As a citizen of Boulder I am so disappointed and literally sickened. **The good news is that you have the opportunity to make this right. Don't miss this opportunity to help Boulder County meet its client and public health goals.**

Sincerely,
Kathy Leonard

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] Ask a Planner - Kathleen Sands - SU-22-0003 - 1612 Green Place, Longmont 80501
Date: Thursday, September 1, 2022 7:20:55 AM

[@L'Orange, Pete](#)

From: Ask A Planner <no-reply@wufoo.com>
Sent: Thursday, September 1, 2022 12:08 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Ask a Planner - Kathleen Sands - SU-22-0003 - 1612 Green Place, Longmont 80501

Boulder County Property Address : 1612 Green Place, Longmont 80501

If your comments are regarding a specific Docket, please enter the Docket number: SU-22-0003

Name: Kathleen Sands

Email Address: solasands@gmail.com

Phone Number: (303) 642-6144

Please enter your question or comment: I am Kathleen Sands, I am with Lyons Climate Action and I have two main concerns about this proposal to extend Cemex's mining operations 15 years—mainly public health concerns (including my own family) and environmental health/Air quality especially in this climate crisis. Below is my response to the Supplemental Memo from Pete L'Orange; I've cited the criteria that I believe are not being met.

To begin, I want to point out two FALSE assumptions of this proposal that Mr. L'Orange also repeatedly states in his Supplemental Memo:

1) The plant will run indefinitely if they don't approve this proposal—false. I do not share this belief and neither does anyone in our coalition, the Town of Lyons and many people from the public we have talked to. We have studied the situation as extensively as can be done in the short time given for this meeting, but have determined that it is indeed NOT feasible for the plant to continue if the mine shuts down. (See attached professional feasibility study showing a clear loss when trucking in materials). Cemex has an outdated and therefore inefficient plant compounded, with having to truck in some raw materials already which is quite expensive. Then they still have the hurdles of state permits to change their source material. Additionally, Cemex knows about the new GEMM regulations where the state has named Cemex specifically as having to reduce emissions by 5%. This is a costly capital expenditure they likely are not willing to invest in, as they have a history of paying fines instead of correcting issues that cause environmental violations.

2) The mine and plant are separate—also false: this is obviously only a strategy on the part of Cemex (and BOCO) to deflect from adding the high CO2 levels of the plant to the calculations of Cemex emissions. SOSVV's attorney has pointed out, this 'having it both ways' falls under the legal doctrine of cherry picking. i.e. proposal is trying to use all the benefits of the plant being gone in 15 years vs indefinitely, but don't want to add in the pollution drawbacks. Regardless, the mine and plant are inseparable as per the state permit and one can not run without the other. Subsequently, the criteria for Special Review items #3, #4, #8, #9, #10, and #11 can NOT be met.

The matter of Cemex was brought to my attention because my 80 year old Mother, who lives in Town of Lyons, has been getting flu like symptoms randomly since moving to Lyons in December 2021. She's sick for a day or so and then feels better and this happens every week or so (usually on weekdays). I have logged her condition and recently started taking screen shots of the winds which have been Easterly when she's sick; she is directly West of the plant 2 miles. I believe Cemex operations are making my mother sick. I've read that elderly people are more susceptible to these illnesses from the dust and pollution from cement factories. See attached study.

My son just started 6th grade at Lyons Middle/Senior, which is even closer to the plant directly West, and the studies I've read on the pollution and health effects of cement production have me very concerned as a mother. Concerned enough that I have done an immense amount of research and due diligence to understand the full impacts of CEMEX's operations on my family's health and well being. That is apparently more than County Planning Staff have done when evaluating this application.

#2 From Supplemental Memo - Cumulative Public Health Effects of 15 more years of mining

There are 2 main hazards for public health with cement operations:

1) Fugitive Dust from the mine - causes cancer and other irreversible lung diseases. Children and elderly are more susceptible. Respirable Crystalline Silica (RCS) may cause cancer Limestone is a naturally occurring mineral complex that contains varying quantities of quartz (crystalline silica). In its natural bulk state, limestone is not a known health hazard. 8.3.3 Impacts on Air Quality —H. Ganapathi and M. Phukan

Below is a recent study on Cemex Lyons shows pollution from Cemex 20 times higher than EPA limits for the Town of Lyons when Easterly winds blow—by environmental scientist at NCAR. This report shows that acute health issues from fugitive dust are more of a concern than cumulative effects of this kind of pollution. However if you look at cumulative affects of acute issues over time, it is significant and should be of concern to the BOCO Public Health and Air Quality Division.

2) High levels of CO2 from the plant causes cognitive issues (study attached)

If Cemex runs Dowe Flats mine for 15 more years, the cumulative public health effects will be extensive. Boulder County actually has a person (Gabi Hoeffler) who handles health complaints from Cemex. I called to file a report about my Mother's health and was told she handles Cemex health complaints. The report is quite compelling and shows that Cemex is putting out to the TOL 20 times more pollution than the EPA deems safe to public. Also the monitors are 10 miles away and should be near the plant to get readings for the people most effected near the plant and mine. Below is an excerpt from a current study by an NCAR environmental scientist on Cemex Lyons. Below are excerpts from that study: My husband Sheldon Sands attached this study to his comments. I am not able to attach any more below. It only allows 3 attachment. So here are excerpts below.

It appears that the public health impacts of PM10 are not necessarily cumulative but rather acute based on short term exposure to high concentrations. Therefore the safe daily limit set by the EPA for this pollutant is 150 µg/m3. The EPA does not set an annual exposure limit because this is not as much a risk as direct exposure to high concentrations.

The answer is over 3,000 µg/m3 or over 20 times the healthy limit.

This calculation is intended to show that even under moderate conditions, the TOL is subjected to an unhealthy dose of PM10.

The health impacts of such large exposures are easy to read about in the scientific literature. For example, the likelihood of the onset of illness with flu-like symptoms roughly doubled when a town was exposed to PM10 of about 50 µg/m3. [See

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8065612/>]

“So, in my personal opinion, by just looking closely at one of their reported emission levels, there is ample evidence to suspect that on many days, when the wind blows westward, that the PM10 exceeds safe limits for the citizens of the TOL”. Daniel Ziskin, PhD, an atmospheric scientist employed by NCAR, but speaking as a private citizen of Boulder County.

When providing more information on the "cumulative public health effects of 15 more years of operations", Staff didn't offer any new information or really answer the Commissioners questions at all. Instead macro-level air quality and emissions data from CDPHE was pulled from a website and provided as having responded to concerns about the cumulative health effects. Without a current public health impact study, which should have been completed when this application was filed 25 years ago, how can staff say the criteria for this has been met? A review of the acute and local impact must be measured properly for staff to even comment on this criteria, and by omitting any of that very reasonable due diligence, I believe that makes CEMEX's application incomplete, which also means that it should be rejected. Absent the ability to demonstrate any understanding or thought into the acute and local impact of more mining, the criteria for Special Review items 2, 4, 12, and 13 cannot be met.

#3 from Supplemental Memo. Detailed Information on CO2 Emissions — This is a huge issue for me and the public in a climate crisis. The Cemex plant is the number one CO2 emitter in Boulder County as well as the surrounding 5 counties (with the exception of Suncorp Denver). Cemex is the #4 top CO2 emitter in Colorado with a very outdated plant (even with their minor updates from a few years ago). Cemex emitted 468,000 tons of CO2 p/year in 2020 according to Bill Hayse (last week) of the Environmental/Air Quality division of BOCO (and the EPA). The 2nd highest polluter in BOCO is CU coming in at 55,000 tons of CO2 per/year in comparison.

CO2 is the worst greenhouse gas and causes heating of the Earth and climate change. The cost of climate change has been published by the University of Chicago (attached) as \$100,000 per ton (multiplied by 465,000 tons/year) of Carbon and lasting over 1000 years. If you do the math on this, it's far more than the \$15 million BOCO will get in 18-22 years after reclamation. I get it that BOCO (especially POS) wants to OWN more land, but is it really worth the effects of public health and costs of climate change? NO.

The county and particularly the Planning Commission (PC) should REJECT this proposal based on an utter lack of due diligence on the part of the county.

BOCO has been acting against the will of the people and the best interest of the people on this proposal for the purchase options of 800 acres of land and ~\$16.7 million in gifts, and it's wrong. The legacy and reputation of the most environmentally friendly county in the nation is at stake as well as the health of the public and the environment. The cost of climate change all point to this being a bad proposal and you should REJECT it based on all the criteria this proposal fails to meet, as well as the lack of due diligence in the review process. You have a unique opportunity to clean up the very air you are breathing right now by 8-12%— simply by REJECTING this proposal, you have the tools to do it.

A full environmental impact study should have been done as part of this application to determine the full impact of an additional 15 years of mining, but has not been done. Cemex/POS are trying to get an extension on the Current permit so they don't have to follow current regulations or do current studies because they know they will not meet the criteria. Without a new review of the future impact, Staff cannot assert that there won't be an additional impact, and thus the application itself is incomplete and must be rejected.

Flaws of the proposal and review process: The Sustainability Department was left off the referral agency list. I called and asked Susie Strife why they had not submitted a report and a few hours later she called me to let me know they would be adding a "supplemental report" on this proposal. Not sure what that means compared to being an official recommendation. But this shows yet another omission on the part of the Planning Commission and POS for their own convenience and shows that they are afraid of what that report might say. Of course CO2 is an issue in a climate crisis!

Town of Lyons not considered: It would make way more sense to put the Town of Lyons on the proposal and include them in the negotiations since it is basically located in Lyons. TOL gets zero benefits from Cemex Lyons (maybe a few thousands a year), but much of the pollution, public health costs, visual impairment, traffic, real estate devaluation, noise, light pollution etc. Knowing that the TOL is opposed and pushing this forward anyway is utterly wrong. This could be a legal violation of the IGA since they have planning area included in the proposal and I believe are supposed to approve anything that effects that land. Additionally, the total disregard of the Town of Lyons Referral Response is a violation of Special Review Criteria #5.

I also want to name the assumption that we all want the plant and mine gone. BOCO Dept heads (Bill Hayse, Susie Strife, Dale Case) have stated this directly to me, the public spoke clearly about this at last two public meetings, and The Town of Lyons clearly stated this in their recommendation. The only question is how and when. Several divisions of BOCO seem to believe we should wait 18-22 years for that land and clean air. The rest of the public and Town of Lyons feel rejecting this proposal and waiting to see if Cemex could or would run the plant without the mine, is the best way to get rid of them. Negotiations could happen then; after we see if they will leave on their own volition for financial/feasibility reasons.

Thank you for your consideration of these concerns on this proposal, the process and the weak and false arguments of the Planning Staff and assumptions that several of the county divisions are

making to push their agenda of acquiring land at the expense of the public's health, environment and use of that land.

Attach a photo or document (optional): <https://bouldercounty.wufoo.com/cabinet/2d59e2fd-d087-417e-8bca-72f339ebeace> - 77.78 KB

Attach a photo or document (optional): <https://bouldercounty.wufoo.com/cabinet/3e6fa8ad-0074-4b46-b6e2-025daf566d01> - 411.93 KB

Attach a photo or document (optional): <https://bouldercounty.wufoo.com/cabinet/c328a6bb-070b-4465-8ad0-7d85a26eec15> - 68.84 KB

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 5:21:01 PM

@L'Orange, Pete

-----Original Message-----

From: magic@everyactioncustom.com <magic@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 5:17 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Lawrence Crowley
Louisville, CO 80027
magic@ecentral.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 5:12:43 PM

@L'Orange, Pete

-----Original Message-----

From: lynlowry9@everyactioncustom.com <lynlowry9@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 5:07 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

Please deny the extension of CEMEX's permit for 15 years and consider the requests of the town of Lyons and Boulder County Public Health. It's your job to protect us. It's not your job to cave in to pressure from any industry. So far it doesn't seem as if your staff understand that. I hope that you do.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree, for the obvious reasons of the public good, with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please consider the voices of your constituents and those most affected by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. DENY the permit.

Sincerely,
Dr. Lyn Lowry
Longmont, CO 80501
lynlowry9@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Thursday, September 1, 2022 7:19:30 AM

@L'Orange, Pete

-----Original Message-----

From: myrnac@everyactioncustom.com <myrnac@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 9:59 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Ms. Myrna Castaline
Boulder, CO 80305
myrnac@earthlink.net

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 5:02:01 PM
Attachments: [SU-22-0003 - Letter from Sarah Lorang 8.31.22.pdf](#)

[@L'Orange, Pete](#)

From: Michael Joseph <mjoseph1980@gmail.com>
Sent: Wednesday, August 31, 2022 4:44 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

To Boulder County Planning Commission members - I'm forwarding a letter written by Sarah Lorang, and second the concerns she voices in this letter. Please consider the sentiments of residents in your hearing tomorrow.

thank you,

--

Michael Joseph
1044 W Willow St, Louisville, CO 80027
614.560.3472

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: SU-22-003
Date: Thursday, September 1, 2022 7:16:59 AM

@L'Orange, Pete

-----Original Message-----

From: Michele Leonard <michele.leonard@colorado.edu>
Sent: Wednesday, August 31, 2022 7:17 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Planners and Commissioners, What the actual...and why would Boulder County once again side with the most egregious and flagrant violator of basic health, safety, labor and environmental regulations. CEMEX has been allowed to operate in N. Boulder County in a revolving state of perpetual noncompliance under a hard-fought agreement promised to living, breathing citizens that their corporate mining operations would end in 9/22. How is continued mining operations even under consideration? Recall that this is a corporation that endeavored to burn used tires as a source of fuel at their Lyons plant without oversight or environmental impact studies until local citizens organized--something they were allowed to do in Louisville, Kentucky which now holds the distinction as one the top places to develop cancer in the US. And, trust that they, as a corporate entity, will never comply to the proposed renegotiated agreement. Listen to the people. Something is not right with this renegotiation of mining. Vote no for any extension.

I am grateful to the meticulous work of Good Neighbors Lyons and quote only one item of many below:

"Staff referenced Policy PH 1.01 as an example of complying with the BCCP, citing that public input about plant pollution should not be considered, but notes that CEMEX claimed the plant could operate indefinitely but will voluntarily cease cement plant operations so that supports Policy PH 1.01. This is not a legally sound argument and can NOT be used to claim the application is compliant with this policy. Also, Staff has not demonstrated any effort to fact check CEMEX's claim they can operate indefinitely, which is core to their argument. In order for CEMEX to operate the Lyons cement plant without Dowe Flats, the following things must happen: 1) DRMS provides an updated M1977208 permit to change the source location; 2) CDOT provides the appropriate access permits; 3) CDPHE processes and approves the Title V operating permit renewal; and 4) The financial profile of operating indefinitely is superior to the financial profile of shutting everything down and selling assets. In addition to the above, the Boulder County Public Health Department's requests for conditions to be added to protect public health were disregarded in their entirety in the Planning Staff's draft recommendation with their legally false reasoning that the plant should be omitted from this application, despite including the plant themselves multiple times in their Supplemental Memo for reasoning to support the application. The application is not in compliance with BCCP Policy PH 1.01."

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] Don't extend Cemex lease
Date: Thursday, September 1, 2022 7:20:19 AM

[@L'Orange, Pete](#)

From: Mark McCullick <mark.mccullick@gmail.com>
Sent: Wednesday, August 31, 2022 10:50 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Don't extend Cemex lease

I would like to remind the Commission that without 'indefinite operations' of the plant as a viable threat (and it is not - **County Staff did not adequately fact check the claim of indefinite operations by CEMEX** during negotiations or when issuing draft recommendations), that the plant **MUST** be considered when discussing environmental impact. Planning Staff even contradicts themselves on this point multiple times in their Supplemental Memo.

By now, I am confident you understand the plant's enormous emissions and that the ultimate cost to our community for an additional 15 years of operations is valued at \$250M (as supported by recent case law). But I also think understanding **how CEMEX behaves as a corporate citizen of our community is important**. A character assessment, if you will. When reviewing a summary of The Colorado Department of Public Health and Environment's (CDPHE) enforcement history with CEMEX, they have been the subject of 12 formal enforcement actions by the Air Pollution Control Division (APCD) since 2000, 5 of these in the last 5 years (see details below). In addition, there is an additional formal enforcement action by APCD which is still pending.

Case No. 2021-077

Continuous Emissions Monitoring Systems (CEMS) downtime; Opacity violation (kiln & clinker cooler); Monitoring, Recordkeeping & Reporting issues. CEMEX was given a \$40,250 penalty.

Case No. 2020-036

Failed to conduct timely VOC testing; Failed to operate power sweeper on two days; Failed to complete required QA/QC actions for THC CEMS; Dust plume observed (from points associated with kiln/clinker cooler), violating requirement to operate in a manner with good air pollution control practices; Monitoring & Reporting issues. CEMEX was given a \$42,000 penalty.

Case No. 2019-197

September & October 2019 stack testing; Failed to conduct timely dioxin/furan testing on the kiln. CEMEX was given a \$5,250 penalty.

Case No. 2019-158

Significant dust emissions from the clinker transport elevator and drag chains from a process, violating requirement to operate the process' baghouses in accordance with good air engineering practices. CEMEX was given a \$7,000 penalty.

Case 2019-021

Opacity from the kiln; Failure to operate and maintain a baghouse in accordance with manufacturer's specifications and/or good engineering practices; Failure to operate the plant water truck on two dates in Jan 2018; Failure to operate the power sweeper for 2 hours on one date in March 2017; Failure to ensure carbon & lime injection system was operating when temperatures reached trigger point on one date in July 2017; Monitoring, Recordkeeping & Reporting issues. CEMEX was given a \$35,000 penalty.

A note from APCD Staff: "Historically, there have been regular complaints about Cemex from nearby residents. Most of these complaints are related to fugitive dust from the plant and/or associated quarry. Some years APCD/Boulder County receive more complaints than others. For example, 2022: 4 complaints (to date); 2021: 16 complaints; 2020: 4 complaints; and 2019: 16 complaints."

CEMEX's Plant Manager, Erik Estrada, has said to members of the community that it makes more

financial sense for CEMEX to pay the fines for their environmental violations than to fix the issues. Michael Clausen of CEMEX has also said, in various contexts, that the plant “would never do anything that would risk its permits”. I believe he is referencing the plant’s legal nonconforming status, and any improvements or accessories added would trigger a County review of the plant’s nonconforming status, thus risking its permits altogether. All that is to say, **CEMEX very literally does the bare minimum required as it pertains to protecting public health. And the bare minimum is generally just paying the fine, not protecting public health at all.** That attitude is not limited to the plant, but also to the quarry. Is the County really okay with another 15 years of this corporate citizen who does not care about the people in its community at all?

While some of those comments are hearsay (not all), CEMEX’s actions most certainly support the sentiment. I also want to remind the Planning Commission that the Boulder County Public Health Department’s requests for conditions to be added to protect public health were disregarded in their entirety in the Planning Staff’s draft recommendation with their legally false reasoning that plant upgrades should be omitted from conditions to the application, despite including the plant themselves multiple times in their Supplemental Memo for reasoning to support the application. The public health impact of this application prohibits the criteria in Special Review Items #3 (BCCP Policy PH 1.01) #8, and #10 from being met.

In his supplemental memo, Mr. L’Orange states “While the Lyons Quarry and cement plant are not being reviewed as part this application, the public health impacts of the Lyons Quarry and cement plant are relevant in considering whether the applicant’s commitment of record to close the plant is sufficient mitigation for the impacts of extending mining operations at Dowe Flats.” **Staff repeatedly cites CEMEX’s commitment to ‘cease cement plant operations’ as justification to meet various Special Review criteria, but Staff also repeatedly asserts that the plant is not part of this application and its impact should not be considered. Any future benefit related to the plant or properties other than Dowe Flats, should also be removed from consideration.**

The criteria in Special Review items #3, #4, #8, #10, #11, and #13 can not be met.

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Thursday, September 1, 2022 7:16:20 AM

@L'Orange, Pete

-----Original Message-----

From: mikepaige@gmail.com <mikepaige@gmail.com>
Sent: Wednesday, August 31, 2022 6:18 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

My name is Mike Paige and I live at 12996 N Foothills Hwy, Longmont, CO 80503 which is approximately 1 mile from CEMEX cement plant and 1 mile from Dowe Flats. I have reviewed the "Supplemental Memo to Staff Recommendation" which brings up several points, which I simply do not understand why it seems staff has willfully ignored several things.

Staff writes "In carrying out research and analysis of the legal nonconforming status of the Lyons Quarry and cement plant, staff have determined that they are considered a legal nonconforming use under Article 4-1000 of the Boulder County Land Use Code"

If you read Article 4-1001... "4-1001 Principles of Construction as Applied to Nonconforming Structures and Uses A. In recognition of the broadly accepted policy that nonconforming uses and structures should be brought to conforming status as speedily as justice will permit, and favoring the reasonable regulation of nonconforming uses and structures to minimize their adverse impacts on current comprehensive zoning schemes and the community, this Article shall be strictly construed against the continuation or expansion of nonconformity in Boulder County"

Again, the very principles of the land use code are seemingly willfully ignored? Why? It doesn't get any more clear than " shall be strictly construed against the continuation or expansion of nonconformity in Boulder County" but it seems staff doesn't know or is intentionally ignoring the very first Article. CEMEX has had a very long time to become conforming use but they show no interest in actually doing so and essentially threatened the planning commissioners at the end of last meeting that they will continue to be nonconforming.

Mark Davies, representative from CEMEX in the meeting said that CEMEX had requested more time than 15 years, but had settled on 15 years in discussions with staff. Staff reports that CEMEX came to them with 15 years. Later when asked, Mark Davies said "It has an end life at some point and we use those calculations with what's been mined and what remains at Dowe Flats to support the application of an additional 15 years." However, when asked again, he didn't seem to know why 15 years was the number at all. What is going on with this application? Random timeframes, changing stories, ignoring the land use code. This is not an extension of an existing permit, it is a highly faulty application for a new special use. Why wasn't an environmental study done!?

Staff writes "County staff have confirmed with staff from the Colorado State Division of Natural Resources that the State permit for the Lyons Quarry and cement plant (M1977-208) would not need to be terminated if the Dowe Flats Quarry permit (M1993-041) ended."

Correct it wouldn't have to be TERMINATED, but that's not the real question. The actual question should have been "would the cement plant permit need to be changed to accommodate a change in primary source?" And the answer to that question was provided by Amy Eschberger at the Division of Reclamation, Mining and Safety who wrote: "If mining at the Dowe Flats Mine were to cease, that would have implications on the Lyons Quarry permit. Any changes to the approved plan, such as changing the primary source location for the plant, would need to be reviewed by our office through the appropriate revision submittal." It seems strange to ask DMRS such a narrow question and then publish such a narrow answer, when it masks the actual complexity of the issue.

I highly urge the Planning Commissioners to REJECT this application.

If a multibillion dollar global corporation can't even get their own story straight, they are ASKING to be rejected.

Mike Paige

Summary - Value to Shareholders for CEMEX		Net Present Value
Option A - Stop Mining, Operate "Plant Indefinitely"		-\$9,693,447
Option B - Operate 15 Years, then Shut Down, Sell to BoCo		\$49,285,448
Option C - Operate 5 Years, Land Conserved, Purchase Options to Boulder/Lyons		\$29,314,055
Option D - Stop Mining If Permit Denied, Sell Off All Assets		\$24,360,538
Key Assumptions		
Capital Costs		
Discount Rate (WACC) for CEMEX	12.30%	<-- from https://finbox.com/NYSE:CMX/explorer/wacc
Reclamation & Cleanup Costs		
Dowe Flats Reclamation Costs	-\$12,683,299	<-- from surety bonds (https://drms.colorado.gov/search-by-county)
Cement Mine/Plant Reclamation Costs ("Lyons Quarry")	-\$8,953,127	<-- surety bonds (https://drms.colorado.gov/search-by-county)
CEMEX Sandstone Quarry Reclamation Costs	-\$409,366	<-- from surety bonds (https://drms.colorado.gov/search-by-county)
CEMEX Plant Demolition Costs (Additional above and beyond 20 year old estimates)	-\$15,000,000	<-- need to estimate what it would cost to safely tear it down and haul it away
Production & Raw Materials Assumptions		
Tons of Limestone Dowe Flats Produces Per Year	316,800	<--24,000 tons per month (from CEMEX SU-22-003 application) ; added +10% for potentially increased demand
Tons of Silica Hauled from Silica Quarry	35,000	<-- from CEMEX Application SU-22-003
Silica-in-Cement Ratio	17%	<-- typically 17%-25%
Ratio of Raw Material (Limestone, etc) for 1 Ton of Cement	1.5	<-- from research
Implied Tons of Cement Per Year (based on Limestone)	211,200	<-- calculation/estimate
Implied Annual Cement Tonnage (based on Silica %)	205,882	<-- calculation/estimate
Total Raw Material Tonnage (Limestone and Silica)	351,800	<-- calculation
Pricing Assumptions		
Cement Price (2022)	\$139.00	<-- from research (need to verify with a quote from CEMEX Lyons)
Annual Price Increase (Cement + Transportation)	3.50%	<-- Estimated Price Escalator Rate (Inflation, which is currently at 8.5% in May 2022)
Net Operating Margin	19.0%	<--based on CEMEX USA SEC public filings, although CEMEX Lyons could be higher/lower
Transportation/Shipping Costs		
Miles for Shipment (from Southern Wyoming)	90	<-- estimated distance driven in miles
Cost Per Ton-Mile (2022)	\$0.15	<-- https://www.bts.gov/content/average-freight-revenue-ton-mile
Cost for 80 ton, 18-wheeler, round-trip of 75 tons of raw material to and from location	\$1,012.50	<-- calculation
Increased Cost Per Ton of Raw Materials from 3rd party	\$8.00	<-- based on simply 20% profit margin on Limestone or Silica, @ \$40/ton
Effective Price Increase Per Ton based on Transportation/Shipping	\$13.50	<-- computed
Relative Price Increase Per Ton based on Transportation/Shipping	9.7%	<-- computed
Real Estate Transaction Assumptions		
Boulder County's Price - CEMEX Land Surrounding Plant Price Per Acre	\$17,000	<--based on CEMEX proposal to Boulder County in 2022, escalating 2% per year
Boulder County's Price - CEMEX Plant Site, Price Per Acre (60 Acres)	\$250,000	<-- Estimate (what is fair market value per acre for General Industrial land - \$250,000/acre)
Boulder County's Price - Dowe Flats (208 Acre Plot) Value Per Acre	\$17,000	
Boulder County's Price - Land Appreciation Rate	2.00%	<-- what seems to be negotiated by Boulder County transactions
Boulder County's Price - Conservation Easement Price Per Acre	\$2,413.25	
Fair Market Value - CEMEX Surrounding Plant Price Per Acre (830 Acres unencumbered)	\$40,000	<-- Estimate (what is fair market value per acre that is NOT incumbered with a Conservation Easement)
Fair Market Value - CEMEX Plant Site Land (60 Acres w/ Structures Included, zoned General Industrial)	\$250,000	<-- Estimate (what is fair market value per acre for General Industrial land - \$250,000/acre)
Fair Market Value - CEMEX Surrounding Plant Price Per Acre (830 Acres w/ 75% Conservation Easement)	\$25,000	<-- Estimate (what is fair market value per acre that is incumbered with a Conservation Easement)
Fair Market Value - CEMEX Dowe Flats (208 Acre Plot) Price Per Acre	\$25,000	<-- Estimate (what is fair market value per acre)
Fair Market Value - Land Appreciation Rate	7.50%	<-- Average Annual FMV Increase
Water Rights Transaction Assumptions		
CEMEX Water Rights (# of Acre Feet Owned)	10,371	<-- Estimate based on relative ownership % of Smead Ditch and others need to find this out)
CEMEX Price Per Acre Foot	\$1,392	<-- Estimate based on commentary from water broker (CB-T water transacts for \$75,000 per Acre Foot)
CEMEX Estimated Value of Water Rights (2022)	\$14,441,232	<--computed

Water Rights Appreciation Per Year	3.50%								
Option A - Stop Mining, Operate "Plant Indefinitely"	-\$9,693,447								
Option B - Operate 15 Years, then Shut Down, Sell to BoCo	\$49,285,448								
Option C - Operate 5 Years, Land Conserved, Purchase Options to Boulder/Lyons	\$29,314,055								
Option D - Stop Mining If Permit Denied, Sell Off All Assets	\$24,360,538								

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 5:12:54 PM

@L'Orange, Pete

-----Original Message-----

From: hatscott@everyactioncustom.com <hatscott@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 5:09 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

The typical cement kiln is an unregulated toxic waste incinerator. They receive a lot on tipping fees for hard to dispose materials across the world. Additional scrutiny should be given to the toxic air emissions and toxics going into the process. Dust is also a toxic issue.

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Scott Hatfield
Boulder, CO 80304
hatscott@comcast.net

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 4:19:17 PM

@L'Orange, Pete

-----Original Message-----

From: sasecord3@everyactioncustom.com <sasecord3@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 4:14 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Susan Secord
Boulder, CO 80305
sasecord3@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] cemex, Dowe Flats
Date: Wednesday, August 31, 2022 4:07:58 PM

@L'Orange, Pete

-----Original Message-----

From: tom knorr <tomknorr2@gmail.com>
Sent: Wednesday, August 31, 2022 4:04 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] cemex, Dowe Flats

Greetings,

I'm a Colorado native and forty year resident of Boulder County writing to express my heartfelt opposition to the extension and continuation of mining operations at Dowe Flats.

It is my opinion that the citizens of the area are due a break from the continuous dust, noise, light and congested, dangerous traffic.

Please do not allow Cemex operations this lifeline. They currently import materials. Extending the permit to mine will not alleviate that fact.

It makes very little sense to allow the cement plant to operate as an island, isolated from -and dependent upon- distant sources of raw materials. Plants can be moved. Material sources cannot.

Your predecessors negotiated in good faith. Cemex should be held to the same standard.

Thank you.

-Tom

Sent from my iPhone

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] Cemex
Date: Thursday, September 1, 2022 8:01:28 AM

[@L'Orange, Pete](#)

From: tom knorr <tomknorr2@gmail.com>
Sent: Thursday, September 1, 2022 7:53 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Cemex

[Download Attachment](#)
[Available until Oct 1, 2022](#)

I'm writing to express my firm opposition to the extension of Cemex operations at Dowe Flats. It is my impression that public input is limited to events since the August 17th meet.

I shot the attached video in the 23rd, nearly a week after that date.

Please view it. And please don't ask BC residents to continue living with these types of incidents.

Thank you.

-Tom

[Click to Download](#)

IMG_0359.MOV
0 bytes

Sent from my iPhone

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] cemex,Dowe flat
Date: Thursday, September 1, 2022 8:01:38 AM

[@L'Orange, Pete](#)

From: tom knorr <tomknorr2@gmail.com>
Sent: Thursday, September 1, 2022 7:59 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] cemex,Dowe flat

[Download Attachment](#)
[Available until Oct 1, 2022](#)

One more. Also taken on the 23rd of last month.

Thanks.

-Tom

[Click to Download](#)

IMG_0360.MOV
0 bytes

Sent from my iPhone

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] Cemex/Dowe Mining
Date: Thursday, September 1, 2022 7:52:25 AM

[@L'Orange, Pete](#)

From: tom knorr <tomknorr2@gmail.com>
Sent: Thursday, September 1, 2022 7:45 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Cemex/Dowe Mining

[Download Attachment](#)
[Available until Oct 1, 2022](#)

Greetings,

I'm writing this morning to express, once again, firm opposition to extending Cemex operations at Dowe Flats. It is my understanding that public input in the process is limited to to new developments - since the meeting on the 17th of August.

I shot the video below on the 23rd, less than 10 days ago. Please view it. And please don't ask the residents of Boulder County to live with this any longer.

Thank you.

-Tom

[Click to Download](#)

IMG_0359.MOV

0 bytes

Sent from my iPhone

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] Please do not extend mining Permit at Dowe Flats
Date: Thursday, September 1, 2022 7:18:58 AM

[@L'Orange, Pete](#)

From: tamar krantz <tamarkrantz@gmail.com>
Sent: Wednesday, August 31, 2022 9:53 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Please do not extend mining Permit at Dowe Flats

Dear Boulder County Planning Commissioners,

Thanks for your volunteer service for our County.

I am writing to ask you to recommend denial of the CEMEX application to extend mining operations at Dowe Flats.

I am a volunteer with Boulder County Parks and Open Space and believe open space acquisition should be our County's highest priority. Still, approving a 15 year extension of the mining permit at Dowe Flats would be a mistake.

I love the certainty that this deal provides the county for the open space purchases, but I am not convinced other options have been adequately explored. I have faith in the creativity and determination of the County Commissioners and staff to find new options after the existing permit expires. We just cannot tolerate 15 more years of environmental degradation and GHG emissions.

I understand that a guaranteed shuttering date for the CEMEX plant is an enticing part of the deal but I fear the deal may not be necessary for the plant to close. In due time, federal or state laws and our economy will tip the scales against operation of coal fired kilns. Also, information provided by Good Neighbors of Lyons states that "the CEMEX plant cannot continue to operate independently of Dowe Flats under their existing state permit. In order for CEMEX to operate the Lyons cement plant without Dowe Flats, the following things must happen: 1) DRMS provides an updated M1977208 permit to change the source location; 2) CDOT provides the appropriate access permits; 3) CDPHE ultimately processes and approves the Title V operating permit renewal; 4) The financial profile of operating indefinitely is superior to the financial profile of shutting everything down and selling assets." There are many reasons to believe that the plant may not operate for 15 more years, especially with public involvement and diligent application of permitting requirements.

The mining permit does not meet the Special Use Review Criteria. Please take the time to discuss each criterion in your public meeting tomorrow. I hope you will recommend rejection.

Thanks for your service to our community,

Tamar Krantz,
Louisville

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Wednesday, August 31, 2022 5:02:27 PM

@L'Orange, Pete

-----Original Message-----

From: tomstumpf71@everyactioncustom.com <tomstumpf71@everyactioncustom.com>
Sent: Wednesday, August 31, 2022 4:56 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planner,

I urge you to deny the extension of CEMEX's permit for 15 years and to consider the requests of the town of Lyons and Boulder County Public Health.

This mine and plant is Boulder County's #1 Polluter (emitting 357,000 tons of annual CO2 emissions) and it is time to take action to protect the future of our health and the environment. While the mine itself is the primary focus of the application, the adjacent cement plant (which emits 357,000 tons of Co2 annually) is linked through their state-level permits, and as those permits stand today, the plant must be torn down and reclaimed once mining at Dowe Flats concludes. The Town of Lyons released a very lengthy and detailed reasoning for rejection of the application, and Boulder County Public Health asked for a number of relatively small and reasonable items to be addressed at the plant to protect public health should an extension be granted.

I disagree with Boulder County Planning Staff's recommendation that we accept the application for extension and disregarded the comments from the Town of Lyons and Department of Public Health in their entirety.

Please, consider the voices of your constituents and consider those most impacted by the pollution of CEMEX. This is an environmental justice concern that demands action as soon as possible. We urge you to DENY the permit.

Sincerely,
Mr. Tom Stumpf
Longmont, CO 80503
tomstumpf71@gmail.com

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Thursday, September 1, 2022 7:19:16 AM

[@L'Orange, Pete](#)

From: Tim Weiss <timothymweiss@gmail.com>
Sent: Wednesday, August 31, 2022 9:54 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

Dear Boulder County Planning Commission,

Thank you for the opportunity to provide comments regarding the Docket SU-22-0003: Dowe Flats Mining and Reclamation Extension.

Background: I am the Co-Founder of [Optera](#), a software company enabling the largest companies in the world to manage their GHG emissions in line with climate science. I have spent my entire career in corporate sustainability. I am also a Lyons resident.

The decision to renew this mining operation is a decision about value and our broader principles.

Value

First, does the continued operation of CEMEX's mine and plant present more value to Boulder County than costs? As a climate expert and a local business owner, I believe the answer to this question is no.

1. The mine does not meaningfully contribute to the local economy as it employs very few local workers.
2. The few local people it does employ have hazardous jobs.
3. The plant and mine are past their useful life and are not only highly inefficient but are not compliant with current land use codes.
4. The plant and mine are the single largest contributor to GHG emissions in Boulder County.
5. The plant and mine emit particulate matter and other emissions that are hazardous to public health.

Quite simply, the environmental and health costs far outway the meager employment gains.

Principles

Boulder County has committed to reducing GHG emissions by 45% from 2005 to 2030. This decision will likely determine whether that goal is attainable.

Having spent my career in this field, I can attest that decisions like this made all over the globe will determine whether our children will inherit a livable planet as we know it. **If Boulder County does not uphold its climate commitments, I have little hope for the rest of society. Boulder is seen as being on the forefront of climate issues, and allowing CEMEX to continue to operate undermines our commitments and principles.**

I sincerely appreciate your time and consideration on this matter. I hope that you view this issue with level heads. In doing so, it is quite clear that extending this permit presents far more societal costs than benefits.

Regards,
Tim Weiss

PAPER • OPEN ACCESS

The Effects of Carbon Dioxide Concentration on Residents in the Area of a Cement Plant in Perak, Malaysia

To cite this article: Jagadish Rau *et al* 2021 *IOP Conf. Ser.: Earth Environ. Sci.* **945** 012007

View the [article online](#) for updates and enhancements.

The Effects of Carbon Dioxide Concentration on Residents in the Area of a Cement Plant in Perak, Malaysia

Jagadish Rau*, Shalini Sanmargaraja, Loh Ming Lun, Vignes Ponniah, Gunavathy Kanniyapan

Department of Environmental Engineering, Faculty of Engineering and Green Technology (FEGT), Universiti Tunku Abdul Rahman, 31900 Kampar, Perak, Malaysia

Department of Real Estate, Tunku Abdul Rahman University College, 53300 Kuala Lumpur, Malaysia

* Corresponding author's e-mail: jagadish0128@lutar.my

Abstract. Nowadays, concrete is used extensively in construction. The cement factory must generate massive amounts of cement each year in order to deliver enough concrete. Carbon dioxide emitted during the cement manufacturing and raw materials transportation processes contributes to air pollution and greenhouse gas emissions, deteriorating air and water quality and posing health risks to residents. Hence, the purpose of this research is to investigate the effects of carbon dioxide absorption on local residents and their buildings. Therefore, the objectives of this paper are to determine the influence of carbon dioxide absorption on local residents' health as well as the consequences on structures. A total of 375 questionnaires were distributed throughout the Perak cities of Kampar, Malim Nawar, and Kota Bharu. This research was conducted in Malaysia in 2019. It was decided to adopt convenience sampling. This paper's findings are separated into two (2) sections: effects on local residents' health, structures, and environment. According to the Pearson Correlation data, there are several dead cases, as well as locals suffering from cancer and other respiratory problems. The concrete, timber, and metal frames, as well as other faults on the door and windows, have all deteriorated significantly. To preserve human health and the environment, the government should tighten the rule on pollution discharge compliance, and all plant owners should be accountable for building a buffer zone and installing industrial air filters surrounding their factories.

Keywords: Carbon Dioxide; Cement Factory; Greenhouse; Malaysia; Pollution.

1. Introduction

Increased carbon dioxide (CO₂) absorption in the atmosphere causes climate change, and it is also a primary driving force for the development of sophisticated energy cycles with CO₂ control solutions. New CO₂ reduction attempts for CO₂ captured from massive coal-fired power stations are being established around the world as technology advances. Greenhouse gas emissions, particularly CO₂, must be decreased by 50-80% by 2050, according to the Intergovernmental Panel on Climate Change (IPCC). Coal accounts for around 60-70 percent of CO₂ emissions from cement plants, hence the kind of fuel used in cement manufacturing has a direct impact on CO₂ emissions. 50 percent CO₂ was produced during the limestone calcination process, 40 percent was produced during the kiln fuel combustion, and 5% was produced during the transportation balancing. The electricity consumed in the manufacturing operations generated 5% of the total. Cement is thought to be the major industrial



producer of CO₂, accounting for 14-33 percent of total CO₂ emissions, compared to 12-14 percent from coal-fired power plants and 4% from gas-fired power plants. The amount of carbon dioxide generated during cement manufacture accounts for around 5% of total CO₂ emissions from static sources worldwide [1].

Malaysia's building industry is gradually growing. A building requires a variety of materials, including cement aggregate, sand, reinforcing, brick, metal, and others. Concrete is the most commonly used material in construction, particularly in the foundation and framework of structures [2]. According to [3,4] cement production was 1463 tonnes in January 2019, however it dropped to 1185 tonnes in February 2019. According to [5,] cement production consumes a significant amount of energy and is a carbon-intensive process, implying that the cement manufacturing business will emit more carbon dioxide into the atmosphere. A tonne of cement produces 900kg of carbon dioxide, which is released into the atmosphere. Cement production and carbon dioxide emissions are linked; for example, as more cement is produced, more carbon dioxide is released into the atmosphere [6]. CO₂ is an odorless, colorless gas composed of single carbon and double oxygen molecules [7]. As a result, the goal of this study is to see how carbon dioxide absorption affects the environment. Therefore, the objectives of this paper are to determine the influence of carbon dioxide absorption on local residents' health as well as the consequences on structures.

Carbon dioxide is produced in cement manufacturing not only by the fuel explosion but also by the cement input product during the breakdown reaction. Limestone is a typical raw material in cement production, and it is heated until it becomes a clinker, a liquid material. This clinker will be combined with gypsum to produce cement. During the direct heating of the limestone, carbon dioxide will also be released [8]. Apart from the use of fossil fuels and the cement-making process, cement delivery by diesel-powered vehicles emits a significant amount of carbon dioxide in the cement plant [9]. Malaysia currently relies heavily on nonrenewable energy to power manufacturing and production operations, which would result in an increase in carbon dioxide generation and severe effects on the natural environment [10]. The Cement and Concrete Association has done some research to see if the new Euro requirement for cement may be changed to benefit blended cement. Malaysia's government is making every effort to become a low-carbon country in the coming years [11].

Cement manufacturing has a significant impact on air pollution and greenhouse gas emissions. During the supply and shipping of raw materials, the cement manufacturing process generates dust, nitrogen sulfur oxide, carbon dioxide, and carbon monoxide. Furthermore, during the kiln's heating, carbon dioxide, nitrogen oxide, and sulfur oxide were emitted from the burning of fossil fuels. Furthermore, the sulfur oxide is generated during the unexpected sulfur corrosion process in limestone [12]. Furthermore, carbon dioxide not only degrades air quality but also has an impact on population health. There is a lot of evidence that air pollution from fossil fuel burning and the oxidation of volatile sulfur can cause health problems [13]. As a result, the goals of this study are to determine the influence of carbon dioxide concentration on residents' health as well as to assess the consequences on buildings and the environment.

According to [14], nine out of ten individuals inhale toxic air, which is responsible for the deaths of up to seven million people each year. Stroke, lung cancer, and heart disease are all caused by carbon dioxide absorption and account for one-third of all fatalities globally. As a result, those living near the cement industry will be severely affected by the carbon dioxide concentration. According to data conducted by [15,16,17], cement factories are responsible for approximately 5% of all global greenhouse gas emissions. Global warming will occur as a result of the greenhouse effects. Various pollutant gases are released into the atmosphere, raising the temperature of the Earth's surface [18, 19, 20]. During the increase in carbon dioxide content in the air, the weather will become extremely hot and dry in comparison to the country's previous climate. Furthermore, as the Earth's temperature rises, the North and South Poles will rapidly melt, resulting in rising sea levels and, eventually, floods [21,22,23].

2. Materials and Methods

The purpose of this study was to determine the impact of carbon dioxide absorption on residents living near cement factories in Kampar, Malim Nawar, and Kota Bharu, Perak, Malaysia. This study focuses on carbon dioxide absorption in residential areas and analyses the impact of CO₂ absorption on people in the vicinity of the cement mill. A total of 375 people between the ages of 18 and 70 were given a series of questionnaires. Adults, senior folks, and pregnant women in the vicinity of the cement production are the targeted respondents. The sampling strategy used in this study was convenience sampling. This questionnaire, which was performed in July 2020, had 192 males and 183 females willing to participate. Young adults between the ages of 19 and 24 years old actively engaged in this study. There are 102 Malays, 191 Chinese, and 82 Indians in the total number of responders. 59 percent of those polled had lived in the area for more than ten years. Around 26.1 percent of the respondents only had a secondary school education, while 6.7 percent had no formal education at all. Approximately 7.5 percent of the respondents had earned a postgraduate degree. **Table 1** shows that the Cronbach Alpha values for Section B and Section D in questionnaires are 0.702 and 0.733, respectively, indicating adequate internal consistency, while the Cronbach Alpha value for Section C is 0.815, indicating good internal consistency. The value of KMO in **Table 2** is extremely near to 1.0, hence the factor analysis is appropriate for the data in this study. The questions were divided into four sections: Section A was for demography, Section B was for identifying health impacts on the residence, Section C was for identifying the effects of carbon dioxide concentration on the residence's buildings, and Section D was for impacts on the residence's ecosystem and environment. As a result, the data from Sections B to D are valid in the KMO and Bartlett's Test of Sphericity.

Table 1. Reliability Test for Section B, C, and D.

Section	Objectives	Cronbach's Alpha	Internal Consistency	Number of Items
B	Health Impacts on the Residence	0.702	Reliability	10
C	Effect of Carbon Dioxide Concentration on the Buildings	0.815	Very Good Reliability	9
D	Impacts of Ecosystem and Environment	0.733	Reliability	11

Table 2. KMO and Bartlett's Test for Sphericity for Section B, C, and D.

Section	Objectives	KMO	Bartlett's Test of Sphericity		
			Approx. Chi-Square	Sig	df
B	Health Impacts on the Residence	0.802	2724.722	0.000	45
C	Effect of Carbon Dioxide Concentration on the Buildings	0.878	1618.009	0.000	36
D	Impacts of Ecosystem and Environment	0.822	2227.596	0.000	55

2.1. Instrument Development

Carbon dioxide concentration is the independent variable, whereas health effects on residents, carbon dioxide effects on structures, and ecosystem and environmental consequences are the dependent variables. Understanding carbon dioxide, air quality, health condition, difficulty in breathing, sick all the time, external diseases, people getting cancer, carbon dioxide affecting people, diseases from carbon dioxide, and people dying due to carbon dioxide concentration are all items used to test health impacts to the residence. Acid rain, corroded concrete structures, fungal growth, damaged doors and windows, damaged roof, damaged paint and wall surfaces, damaged timber, and metal structures, and high maintenance costs are all items utilized to test the second dependent variable.

3. Results and Discussion

3.1. Effects of carbon dioxide absorption on local residents' health

Table 3 presents the Pearson Correlation Coefficient analysis, which is performed using the

independent and dependent variables from the bivariate analysis of the health consequences on the housing. The Pearson Correlation Coefficient for carbon dioxide affecting humans (B8) with residents getting sick every time (B5) is 0.720. Because their p-values are less than 0.05, there is a positive correlation and a significant strong link between them. Residents in that location, for example, will surely fall ill when carbon dioxide levels are high. When carbon dioxide levels are high, for example, residents in that area will inevitably become unwell. The variables include carbon dioxide affecting individuals (B8) and carbon dioxide-related diseases (B9), with a Pearson Correlation Coefficient of 0.700. This means that there is a positive correlation between the two, as well as a moderate relationship between them. When the carbon dioxide concentration is high, for example, the diseases induced by the high carbon dioxide concentration will also increase.

The Pearson Correlation Coefficient value for carbon dioxide affecting people (B8) with air quality (B2) and health condition (B3) are -0.140 and -0.430 respectively. This indicated a negative correlation and a negligible relationship between both. A negative relationship shows that there is no direct connection between the carbon dioxide affecting people (B) with air quality and health condition (B3).

Table 3. Pearson Correlation Coefficient for Health Impacts on the Residence.

		Carbon Dioxide Affecting People (B8)
Understanding Carbon Dioxide (B1)	Pearson Correlation	.256**
	Sig. (2-tailed)	.000
	N	375
Air Quality (B2)	Pearson Correlation	-.140**
	Sig. (2-tailed)	.007
	N	375
Health Condition (B3)	Pearson Correlation	-.430**
	Sig. (2-tailed)	.000
	N	375
Difficulty in Breathing (B4)	Pearson Correlation	.651**
	Sig. (2-tailed)	.000
	N	375
Sick Every Time (B5)	Pearson Correlation	.720**
	Sig. (2-tailed)	.000
	N	375
External Diseases (B6)	Pearson Correlation	.532**
	Sig. (2-tailed)	.000
	N	375
People Get Cancer (B7)	Pearson Correlation	.691**
	Sig. (2-tailed)	.000
	N	375
Carbon Dioxide Affecting People (B8)	Pearson Correlation	1
	Sig. (2-tailed)	
	N	375
Diseases from Carbon Dioxide (B9)	Pearson Correlation	.700**
	Sig. (2-tailed)	.000
	N	375
People Dead Due to Concentration of Carbon Dioxide (B10)	Pearson Correlation	.660**
	Sig. (2-tailed)	.000
	N	375

** . Correlation is significant at the 0.01 level (2-tailed).

* . Correlation is significant at the 0.05 level (2-tailed).

3.2. *Effects of carbon dioxide absorption on the buildings*

Table 4 illustrates the analysis of the Pearson Correlation Coefficient which is analyzed with the independent variables and dependent variables listed in the effects of carbon dioxide concentration on the building by executing the bivariate analysis. The next highest Pearson Correlation Coefficient value is for the damaged doors and windows (C5) which is 0.688. This is indicating that there is a positive correlation and there is also a moderate relationship between both because their p-value is lesser than 0.05. For instance, a high concentration of carbon dioxide will cause damage to doors and windows which need high maintenance costs. The next highest Pearson Correlation Coefficient value is for the high concentration of carbon dioxide (C1) with the concrete structures (C3) is 0.671. This is indicating that there is a positive correlation and there is also a significant strong relationship between both because their p-value is lesser than 0.05. For instance, the carbon dioxide concentration is high, high maintenance for the buildings.

The next highest Pearson Correlation Coefficient value is for the maintenance cost (C9) with metal and timber structures (C8) which is 0.625. This is indicating that there is a positive correlation and there is also a moderate relationship between both because their p-value is lesser than 0.05. For instance, a high concentration of carbon dioxide will cause damage to the timber and metal structures. The next highest Pearson Correlation Coefficient value is for the high concentration of carbon dioxide (C1) with the acid rain (C2) which is 0.522. This is indicating that there is a positive correlation and there is also a moderate relationship between both because their p-value is lesser than 0.05. For instance, a high concentration of carbon dioxide will cause acid rain.

The next lowest Pearson Correlation Coefficient value is for the maintenance cost (C9) with the paint (C7) which is -0.203. This is indicating that there is a negative correlation and there is also a moderate relationship between both because their p-value is lesser than 0.05. For instance, a high concentration of carbon dioxide doesn't affect the paint of the building. The lowest Pearson Correlation Coefficient value is for the acid rain (C2) with the fungus growing (C4) which is -0.67. This is indicating that there is a negative correlation and there is also a negligible relationship between both because their p-value is lesser than 0.05. For instance, high concentration of carbon dioxide doesn't cause fungus growth on the building and damaged paint and wall surfaces.

Table 4. Pearson Correlation Coefficient for the Effects of Carbon Dioxide Concentration on the Building.

		High Concentration of Carbon Dioxide (C1)
High Concentration of Carbon Dioxide (C1)	Pearson Correlation	1
	Sig. (2-tailed)	
	N	375
Acid Rain (C2)	Pearson Correlation	.522
	Sig. (2-tailed)	.000
	N	375
Corrosion Concrete Structures (C3)	Pearson Correlation	.723
	Sig. (2-tailed)	.000
	N	375
Fungus Growing (C4)	Pearson Correlation	-0.67
	Sig. (2-tailed)	.195
	N	375
Damaged Doors and Windows (C5)	Pearson Correlation	.688
	Sig. (2-tailed)	.000
	N	375
Damaged Roof (C6)	Pearson Correlation	.392
	Sig. (2-tailed)	.000
	N	375
Damaged Paint and Wall Surface (C7)	Pearson Correlation	-.203
	Sig. (2-tailed)	.000

	N	375
Damaged Timber and Metal Structures (C8)	Pearson Correlation	.625
	Sig. (2-tailed)	.000
	N	375
High Maintenance Cost (C9)	Pearson Correlation	.671
	Sig. (2-tailed)	.000
	N	375

** . Correlation is significant at the 0.01 level (2-tailed).

* . Correlation is significant at the 0.05 level (2-tailed).

4. Conclusion

To conclude this paper, coefficient for carbon dioxide affecting humans (B8) with residents getting sick every time (B5) is 0.720 and the Pearson Correlation Coefficient value for carbon dioxide-related diseases (B9) is 0.700. Their p-values are less than 0.05, therefore there is a positive correlation and a significant strong link between them. The Pearson Correlation Coefficient value is for the damaged doors and windows (C5) which is 0.688 and the Pearson Correlation Coefficient value is for the high concentration of carbon dioxide (C1) with the concrete structures (C3) is 0.671. This is indicating that there is a positive correlation and there is also a moderate relationship between both because their p-value is lesser than 0.05. For instance, a high concentration of carbon dioxide will cause damage to doors, windows and concrete structures which need high maintenance costs same goes to high maintenance and acid rain. The Pearson Correlation Coefficient value for air quality (B2), health condition (B3), fungus growing (C4) and damaged paint and wall surface (C7) are -0.140, -0.430, -0.67 and -0.203 respectively. This is indicating that there is a negative correlation and there is also a negligible relationship between both because their p-value is lesser than 0.05. For instance, high concentration of carbon dioxide do not affect the air quality and health condition plus does not cause fungus growth on the building and damaged paint and wall surfaces.

Carbon dioxide absorption has increased in Malaysia in recent days as a result of cement manufacturing, automobile fuel burning, the industrial sector, and other factors. Malaysian construction projects necessitate a large volume of cement products each year, and this scenario cannot be avoided. As a result, the government must tighten the rule on pollutant discharge compliance, and all plant owners must be accountable for establishing a buffer zone surrounding their facility to protect human health and the environment. The factory owner should install some industrial air filters to limit the amount of carbon dioxide released from the cement plant. Things won't change quickly, but even minor improvements could enhance the health of the residents in the area, hence improving their quality of life.

There are certain limitations in this study, such as data inaccuracy due to the fact that some of the elderly inhabitants in this area have a low level of education and had difficulty understanding the survey questions. Second, there were time constraints in gathering data due to the inhabitants' refusal to participate in the survey. Finally, there are certain limits in acquiring reliable data since some of the respondents were afraid of reprisal from the cement factory owners if they told the truth. In the future, feedback from cement factory owners and workers will be sought so that we may learn their side of the story as well due to the data acquired from this study cannot be used to generalise cement manufacture across Malaysia, more research will be required.

Acknowledgements

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References

- [1] A. Bosoaga, O. Masek and J.E. Oakey. CO2 Capture technologies for the cement industry. *Energy Procedia*. 1 (2009) 133-140.

- [2] Star, T., 2018. Construction sector to record slower growth in 2019. [Online]. Available at: <https://www.thestar.com.my/business/business-news/2018/10/25/construction-sector-to-record-slower-growth-in-2019/>.
- [3] Department of Statistics, Malaysia. Malaysia cement production. [Online]. Available at: <https://tradingeconomics.com/malaysia/cement-production>. 2019.
- [4] Department of Statistics, Malaysia. Malaysia cement production. [Online] Available at: <https://tradingeconomics.com/malaysia/cement-production>. 2021.
- [5] E. Benhelal, G. Zahedi, E. Shamsaei, and A. Bahadori. Global strategies and potentials to curb CO₂ discharges in cement industry. *J. of Cleaner Production*. 51 (2016) 141-161.
- [6] B. Plumber. Rising carbon discharges. [Online]. Available at: <https://www.nst.com.my/opinion/columnists/2018/03/349420/rising-carbon-discharges>. 2018.
- [7] University Corporation for Atmospheric Research (UCAR). Carbon Dioxide. [Online]. Available at: <https://scied.ucar.edu/carbon-dioxide>. 2018.
- [8] B. Bakhtyar, T. Kacem. and M. A. Nawaz. A Review on carbon discharges in Malaysian cement industry. *International J. of Energy Economics and Policy*. 7(3) (2018) 282-286.
- [9] J. Olivier, G. Janssens-Maenhout, M. Muntean. and J. Peters. Trends in global CO₂ discharges: 2015 Report. PBL Netherlands Environmental Assessment Agency, The Hague; European Commission, Joint Research Centre (JRC). Institute for Environmental and Sustainability (IES). 2015.
- [10] N. Chik. and K. Rahim. Sources of change in CO₂ discharges from energy consumption by industrial sectors in Malaysia. 9th PERKEM Proceeding. (2017) 163-174.
- [11] B. Bakhtyar, A. Fudholi, K. Hassan, M. Azam, C.H. Lim, N. W. Chan and K. Sopian. Review of CO₂ price in Europe using feed-in tariff. *Renewable and Sustainable Energy Reviews*. (2017) 685-691.
- [12] M. Abu-Allaban and H. Abu-Qudais. Impact Assessment of Ambient Air Quality by Cement Industry: A Case Study in Jordan. *Aerosol and Air Quality Research*. 11(7) (2016) 802-810.
- [13] S.S. Mehraj, G. Bhat and H.M Balkhi. Cement factories and human health. *International J. of Current Research and Review*. 2013.
- [14] K. S. Devi, V. V. Lakshmi. and A. Alakanandana, 2017. Impacts of cement industry on the environment- An overview. *Asia Pacific Journal of Research*, I(LVII). (2017) 156-161.
- [15] W. Cornwall. Cement soaks up greenhouse gases. [Online]. Available at: <http://www.sciencemag.org/news/2016/11/cement-soaks-greenhouse-gases>. 2016.
- [16] C. Durastanti and L. Moretti. Environmental impacts of cement production: A statistical analysis. *Appl. Sci*. 10 (2020) 1-25.
- [17] D.W. Kweku, O. Bismark, A. Maxwell, K. A. Desmond, K. B. Danso, E. A. Oti-Mensah, A. T. Quachie and B.B. Adormaa. Greenhouse effect: Greenhouse gases and their impact on global warming. *J. of Scientific Research & Reports*. 17(6) (2017). 1-9.
- [18] C. Nunez. Sea level rise. [Online]. Available at: <https://www.nationalgeographic.com/environment/global-warming/sea-level-rise/>. 2019.
- [19] A. McMichael, D. H. Campbell-Lendrum, S. Kovats, R. J. Nicholls, S. Edwards, P. Wilkinson and T. Wilson. Global climate change. In M. Ezzati, A. Lopez, A. Rodgers and C. Murray, eds. *Comparative quantification of health risks: Global and regional burden of disease due to selected major risk factors*. Geneva: World Health Organization., 1543-1649.2004.
- [20] Iberdrola. Consequences of the greenhouse effect. [Online]. Available at: <https://www.iberdrola.com/environment/greenhouse-effects-consequences-and-impacts>. 2018.
- [21] S. Grover & Rajeshwari, 2009. Global warming and its impact on skin disorders. *Indian J. of Dermatol, Venereol and Leprol*, 75(4) (2009) 337-339.
- [22] M.G. Plaza, S. Martinez, and F. Rubiera. CO₂ Capture, use and storage in the cement industry: State of the art and expectations. *Energies*. 13 (5692) (2020) 1-28.

- [23] M.A. Sanjuan, C. Andrade, P. Mora and A. Zaragoza. Carbon dioxide uptake by cement-based materials: A Spanish case study. *Appl. Sci.* 10(1) (2020) 1-16.

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The Effects of Carbon Dioxide Concentration on Residents in the Area of a Cement Plant in Perak, Malaysia

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Abstract. Nowadays, concrete is used extensively in construction. The cement factory must generate massive amounts of cement each year in order to deliver enough concrete. Carbon dioxide emitted during the cement manufacturing and raw materials transportation processes contributes to air pollution and greenhouse gas emissions, deteriorating air and water quality and posing health risks to residents. Hence, the purpose of this research is to investigate the effects of carbon dioxide absorption on local residents and their buildings. Therefore, the objectives of this paper are to determine the influence of carbon dioxide absorption on local residents' health as well as the consequences on structures. A total of 375 questionnaires were distributed throughout the Perak cities of Kampar, Malim Nawar, and Kota Bharu. This research was conducted in Malaysia in 2019. It was decided to adopt convenience sampling. This paper's findings are separated into two (2) sections: effects on local residents' health, structures, and environment. According to the Pearson Correlation data, there are several dead cases, as well as locals suffering from cancer and other respiratory problems. The concrete, timber, and metal frames, as well as other faults on the door and windows, have all deteriorated significantly. To preserve human health and the environment, the government should tighten the rule on pollution discharge compliance, and all plant owners should be accountable for building a buffer zone and installing industrial air filters surrounding their factories.

Keywords: Carbon Dioxide; Cement Factory; Greenhouse; Malaysia; Pollution.

1. Introduction

Increased carbon dioxide (CO₂) absorption in the atmosphere causes climate change, and it is also a primary driving force for the development of sophisticated energy cycles with CO₂ control solutions. New CO₂ reduction attempts for CO₂ captured from massive coal-fired power stations are being established around the world as technology advances. Greenhouse gas emissions, particularly CO₂, must be decreased by 50-80% by 2050, according to the Intergovernmental Panel on Climate Change (IPCC). Coal accounts for around 60-70 percent of CO₂ emissions from cement plants, hence the kind of fuel used in cement manufacturing has a direct impact on CO₂ emissions. 50 percent CO₂ was produced during the limestone calcination process, 40 percent was produced during the kiln fuel combustion, and 5% was produced during the transportation balancing. The electricity consumed in the manufacturing operations generated 5% of the total. Cement is thought to be the major industrial



producer of CO₂, accounting for 14-33 percent of total CO₂ emissions, compared to 12-14 percent from coal-fired power plants and 4% from gas-fired power plants. The amount of carbon dioxide generated during cement manufacture accounts for around 5% of total CO₂ emissions from static sources worldwide [1].

Malaysia's building industry is gradually growing. A building requires a variety of materials, including cement aggregate, sand, reinforcing, brick, metal, and others. Concrete is the most commonly used material in construction, particularly in the foundation and framework of structures [2]. According to [3,4] cement production was 1463 tonnes in January 2019, however it dropped to 1185 tonnes in February 2019. According to [5,] cement production consumes a significant amount of energy and is a carbon-intensive process, implying that the cement manufacturing business will emit more carbon dioxide into the atmosphere. A tonne of cement produces 900kg of carbon dioxide, which is released into the atmosphere. Cement production and carbon dioxide emissions are linked; for example, as more cement is produced, more carbon dioxide is released into the atmosphere [6]. CO₂ is an odorless, colorless gas composed of single carbon and double oxygen molecules [7]. As a result, the goal of this study is to see how carbon dioxide absorption affects the environment. Therefore, the objectives of this paper are to determine the influence of carbon dioxide absorption on local residents' health as well as the consequences on structures.

Carbon dioxide is produced in cement manufacturing not only by the fuel explosion but also by the cement input product during the breakdown reaction. Limestone is a typical raw material in cement production, and it is heated until it becomes a clinker, a liquid material. This clinker will be combined with gypsum to produce cement. During the direct heating of the limestone, carbon dioxide will also be released [8]. Apart from the use of fossil fuels and the cement-making process, cement delivery by diesel-powered vehicles emits a significant amount of carbon dioxide in the cement plant [9]. Malaysia currently relies heavily on nonrenewable energy to power manufacturing and production operations, which would result in an increase in carbon dioxide generation and severe effects on the natural environment [10]. The Cement and Concrete Association has done some research to see if the new Euro requirement for cement may be changed to benefit blended cement. Malaysia's government is making every effort to become a low-carbon country in the coming years [11].

Cement manufacturing has a significant impact on air pollution and greenhouse gas emissions. During the supply and shipping of raw materials, the cement manufacturing process generates dust, nitrogen sulfur oxide, carbon dioxide, and carbon monoxide. Furthermore, during the kiln's heating, carbon dioxide, nitrogen oxide, and sulfur oxide were emitted from the burning of fossil fuels. Furthermore, the sulfur oxide is generated during the unexpected sulfur corrosion process in limestone [12]. Furthermore, carbon dioxide not only degrades air quality but also has an impact on population health. There is a lot of evidence that air pollution from fossil fuel burning and the oxidation of volatile sulfur can cause health problems [13]. As a result, the goals of this study are to determine the influence of carbon dioxide concentration on residents' health as well as to assess the consequences on buildings and the environment.

According to [14], nine out of ten individuals inhale toxic air, which is responsible for the deaths of up to seven million people each year. Stroke, lung cancer, and heart disease are all caused by carbon dioxide absorption and account for one-third of all fatalities globally. As a result, those living near the cement industry will be severely affected by the carbon dioxide concentration. According to data conducted by [15,16,17], cement factories are responsible for approximately 5% of all global greenhouse gas emissions. Global warming will occur as a result of the greenhouse effects. Various pollutant gases are released into the atmosphere, raising the temperature of the Earth's surface [18, 19, 20]. During the increase in carbon dioxide content in the air, the weather will become extremely hot and dry in comparison to the country's previous climate. Furthermore, as the Earth's temperature rises, the North and South Poles will rapidly melt, resulting in rising sea levels and, eventually, floods [21,22,23].

2. Materials and Methods

The purpose of this study was to determine the impact of carbon dioxide absorption on residents living near cement factories in Kampar, Malim Nawar, and Kota Bharu, Perak, Malaysia. This study focuses on carbon dioxide absorption in residential areas and analyses the impact of CO₂ absorption on people in the vicinity of the cement mill. A total of 375 people between the ages of 18 and 70 were given a series of questionnaires. Adults, senior folks, and pregnant women in the vicinity of the cement production are the targeted respondents. The sampling strategy used in this study was convenience sampling. This questionnaire, which was performed in July 2020, had 192 males and 183 females willing to participate. Young adults between the ages of 19 and 24 years old actively engaged in this study. There are 102 Malays, 191 Chinese, and 82 Indians in the total number of responders. 59 percent of those polled had lived in the area for more than ten years. Around 26.1 percent of the respondents only had a secondary school education, while 6.7 percent had no formal education at all. Approximately 7.5 percent of the respondents had earned a postgraduate degree. **Table 1** shows that the Cronbach Alpha values for Section B and Section D in questionnaires are 0.702 and 0.733, respectively, indicating adequate internal consistency, while the Cronbach Alpha value for Section C is 0.815, indicating good internal consistency. The value of KMO in **Table 2** is extremely near to 1.0, hence the factor analysis is appropriate for the data in this study. The questions were divided into four sections: Section A was for demography, Section B was for identifying health impacts on the residence, Section C was for identifying the effects of carbon dioxide concentration on the residence's buildings, and Section D was for impacts on the residence's ecosystem and environment. As a result, the data from Sections B to D are valid in the KMO and Bartlett's Test of Sphericity.

Table 1. Reliability Test for Section B, C, and D.

Section	Objectives	Cronbach's Alpha	Internal Consistency	Number of Items
B	Health Impacts on the Residence	0.702	Reliability	10
C	Effect of Carbon Dioxide Concentration on the Buildings	0.815	Very Good Reliability	9
D	Impacts of Ecosystem and Environment	0.733	Reliability	11

Table 2. KMO and Bartlett's Test for Sphericity for Section B, C, and D.

Section	Objectives	KMO	Bartlett's Test of Sphericity		
			Approx. Chi-Square	Sig	df
B	Health Impacts on the Residence	0.802	2724.722	0.000	45
C	Effect of Carbon Dioxide Concentration on the Buildings	0.878	1618.009	0.000	36
D	Impacts of Ecosystem and Environment	0.822	2227.596	0.000	55

2.1. Instrument Development

Carbon dioxide concentration is the independent variable, whereas health effects on residents, carbon dioxide effects on structures, and ecosystem and environmental consequences are the dependent variables. Understanding carbon dioxide, air quality, health condition, difficulty in breathing, sick all the time, external diseases, people getting cancer, carbon dioxide affecting people, diseases from carbon dioxide, and people dying due to carbon dioxide concentration are all items used to test health impacts to the residence. Acid rain, corroded concrete structures, fungal growth, damaged doors and windows, damaged roof, damaged paint and wall surfaces, damaged timber, and metal structures, and high maintenance costs are all items utilized to test the second dependent variable.

3. Results and Discussion

3.1. Effects of carbon dioxide absorption on local residents' health

Table 3 presents the Pearson Correlation Coefficient analysis, which is performed using the

independent and dependent variables from the bivariate analysis of the health consequences on the housing. The Pearson Correlation Coefficient for carbon dioxide affecting humans (B8) with residents getting sick every time (B5) is 0.720. Because their p-values are less than 0.05, there is a positive correlation and a significant strong link between them. Residents in that location, for example, will surely fall ill when carbon dioxide levels are high. When carbon dioxide levels are high, for example, residents in that area will inevitably become unwell. The variables include carbon dioxide affecting individuals (B8) and carbon dioxide-related diseases (B9), with a Pearson Correlation Coefficient of 0.700. This means that there is a positive correlation between the two, as well as a moderate relationship between them. When the carbon dioxide concentration is high, for example, the diseases induced by the high carbon dioxide concentration will also increase.

The Pearson Correlation Coefficient value for carbon dioxide affecting people (B8) with air quality (B2) and health condition (B3) are -0.140 and -0.430 respectively. This indicated a negative correlation and a negligible relationship between both. A negative relationship shows that there is no direct connection between the carbon dioxide affecting people (B) with air quality and health condition (B3).

Table 3. Pearson Correlation Coefficient for Health Impacts on the Residence.

		Carbon Dioxide Affecting People (B8)
Understanding Carbon Dioxide (B1)	Pearson Correlation	.256**
	Sig. (2-tailed)	.000
	N	375
Air Quality (B2)	Pearson Correlation	-.140**
	Sig. (2-tailed)	.007
	N	375
Health Condition (B3)	Pearson Correlation	-.430**
	Sig. (2-tailed)	.000
	N	375
Difficulty in Breathing (B4)	Pearson Correlation	.651**
	Sig. (2-tailed)	.000
	N	375
Sick Every Time (B5)	Pearson Correlation	.720**
	Sig. (2-tailed)	.000
	N	375
External Diseases (B6)	Pearson Correlation	.532**
	Sig. (2-tailed)	.000
	N	375
People Get Cancer (B7)	Pearson Correlation	.691**
	Sig. (2-tailed)	.000
	N	375
Carbon Dioxide Affecting People (B8)	Pearson Correlation	1
	Sig. (2-tailed)	
	N	375
Diseases from Carbon Dioxide (B9)	Pearson Correlation	.700**
	Sig. (2-tailed)	.000
	N	375
People Dead Due to Concentration of Carbon Dioxide (B10)	Pearson Correlation	.660**
	Sig. (2-tailed)	.000
	N	375

** . Correlation is significant at the 0.01 level (2-tailed).

* . Correlation is significant at the 0.05 level (2-tailed).

3.2. *Effects of carbon dioxide absorption on the buildings*

Table 4 illustrates the analysis of the Pearson Correlation Coefficient which is analyzed with the independent variables and dependent variables listed in the effects of carbon dioxide concentration on the building by executing the bivariate analysis. The next highest Pearson Correlation Coefficient value is for the damaged doors and windows (C5) which is 0.688. This is indicating that there is a positive correlation and there is also a moderate relationship between both because their p-value is lesser than 0.05. For instance, a high concentration of carbon dioxide will cause damage to doors and windows which need high maintenance costs. The next highest Pearson Correlation Coefficient value is for the high concentration of carbon dioxide (C1) with the concrete structures (C3) is 0.671. This is indicating that there is a positive correlation and there is also a significant strong relationship between both because their p-value is lesser than 0.05. For instance, the carbon dioxide concentration is high, high maintenance for the buildings.

The next highest Pearson Correlation Coefficient value is for the maintenance cost (C9) with metal and timber structures (C8) which is 0.625. This is indicating that there is a positive correlation and there is also a moderate relationship between both because their p-value is lesser than 0.05. For instance, a high concentration of carbon dioxide will cause damage to the timber and metal structures. The next highest Pearson Correlation Coefficient value is for the high concentration of carbon dioxide (C1) with the acid rain (C2) which is 0.522. This is indicating that there is a positive correlation and there is also a moderate relationship between both because their p-value is lesser than 0.05. For instance, a high concentration of carbon dioxide will cause acid rain.

The next lowest Pearson Correlation Coefficient value is for the maintenance cost (C9) with the paint (C7) which is -0.203. This is indicating that there is a negative correlation and there is also a moderate relationship between both because their p-value is lesser than 0.05. For instance, a high concentration of carbon dioxide doesn't affect the paint of the building. The lowest Pearson Correlation Coefficient value is for the acid rain (C2) with the fungus growing (C4) which is -0.67. This is indicating that there is a negative correlation and there is also a negligible relationship between both because their p-value is lesser than 0.05. For instance, high concentration of carbon dioxide doesn't cause fungus growth on the building and damaged paint and wall surfaces.

Table 4. Pearson Correlation Coefficient for the Effects of Carbon Dioxide Concentration on the Building.

		High Concentration of Carbon Dioxide (C1)
High Concentration of Carbon Dioxide (C1)	Pearson Correlation	1
	Sig. (2-tailed)	
	N	375
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** . Correlation is significant at the 0.01 level (2-tailed).

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To conclude this paper, coefficient for carbon dioxide affecting humans (B8) with residents getting sick every time (B5) is 0.720 and the Pearson Correlation Coefficient value for carbon dioxide-related diseases (B9) is 0.700. Their p-values are less than 0.05, therefore there is a positive correlation and a significant strong link between them. The Pearson Correlation Coefficient value is for the damaged doors and windows (C5) which is 0.688 and the Pearson Correlation Coefficient value is for the high concentration of carbon dioxide (C1) with the concrete structures (C3) is 0.671. This is indicating that there is a positive correlation and there is also a moderate relationship between both because their p-value is lesser than 0.05. For instance, a high concentration of carbon dioxide will cause damage to doors, windows and concrete structures which need high maintenance costs same goes to high maintenance and acid rain. The Pearson Correlation Coefficient value for air quality (B2), health condition (B3), fungus growing (C4) and damaged paint and wall surface (C7) are -0.140, -0.430, -0.67 and -0.203 respectively. This is indicating that there is a negative correlation and there is also a negligible relationship between both because their p-value is lesser than 0.05. For instance, high concentration of carbon dioxide do not affect the air quality and health condition plus does not cause fungus growth on the building and damaged paint and wall surfaces.

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There are certain limitations in this study, such as data inaccuracy due to the fact that some of the elderly inhabitants in this area have a low level of education and had difficulty understanding the survey questions. Second, there were time constraints in gathering data due to the inhabitants' refusal to participate in the survey. Finally, there are certain limits in acquiring reliable data since some of the respondents were afraid of reprisal from the cement factory owners if they told the truth. In the future, feedback from cement factory owners and workers will be sought so that we may learn their side of the story as well due to the data acquired from this study cannot be used to generalise cement manufacture across Malaysia, more research will be required.

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References

- [1] A. Bosoaga, O. Masek and J.E. Oakey. CO2 Capture technologies for the cement industry. *Energy Procedia*. 1 (2009) 133-140.

- [2] Star, T., 2018. Construction sector to record slower growth in 2019. [Online]. Available at: <https://www.thestar.com.my/business/business-news/2018/10/25/construction-sector-to-record-slower-growth-in-2019/>.
- [3] Department of Statistics, Malaysia. Malaysia cement production. [Online]. Available at: <https://tradingeconomics.com/malaysia/cement-production>. 2019.
- [4] Department of Statistics, Malaysia. Malaysia cement production. [Online] Available at: <https://tradingeconomics.com/malaysia/cement-production>. 2021.
- [5] E. Benhelal, G. Zahedi, E. Shamsaei, and A. Bahadori. Global strategies and potentials to curb CO₂ discharges in cement industry. *J. of Cleaner Production*. 51 (2016) 141-161.
- [6] B. Plumber. Rising carbon discharges. [Online]. Available at: <https://www.nst.com.my/opinion/columnists/2018/03/349420/rising-carbon-discharges>. 2018.
- [7] University Corporation for Atmospheric Research (UCAR). Carbon Dioxide. [Online]. Available at: <https://scied.ucar.edu/carbon-dioxide>. 2018.
- [8] B. Bakhtyar, T. Kacem, and M. A. Nawaz. A Review on carbon discharges in Malaysian cement industry. *International J. of Energy Economics and Policy*. 7(3) (2018) 282-286.
- [9] J. Olivier, G. Janssens-Maenhout, M. Muntean, and J. Peters. Trends in global CO₂ discharges: 2015 Report. PBL Netherlands Environmental Assessment Agency, The Hague; European Commission, Joint Research Centre (JRC). Institute for Environmental and Sustainability (IES). 2015.
- [10] N. Chik, and K. Rahim. Sources of change in CO₂ discharges from energy consumption by industrial sectors in Malaysia. 9th PERKEM Proceeding. (2017) 163-174.
- [11] B. Bakhtyar, A. Fudholi, K. Hassan, M. Azam, C.H. Lim, N. W. Chan and K. Sopian. Review of CO₂ price in Europe using feed-in tariff. *Renewable and Sustainable Energy Reviews*. (2017) 685-691.
- [12] M. Abu-Allaban and H. Abu-Qudais. Impact Assessment of Ambient Air Quality by Cement Industry: A Case Study in Jordan. *Aerosol and Air Quality Research*. 11(7) (2016) 802-810.
- [13] S.S. Mehraj, G. Bhat and H.M Balkhi. Cement factories and human health. *International J. of Current Research and Review*. 2013.
- [14] K. S. Devi, V. V. Lakshmi, and A. Alakanandana, 2017. Impacts of cement industry on the environment- An overview. *Asia Pacific Journal of Research*, I(LVII). (2017) 156-161.
- [15] W. Cornwall. Cement soaks up greenhouse gases. [Online]. Available at: <http://www.sciencemag.org/news/2016/11/cement-soaks-greenhouse-gases>. 2016.
- [16] C. Durastanti and L. Moretti. Environmental impacts of cement production: A statistical analysis. *Appl. Sci*. 10 (2020) 1-25.
- [17] D.W. Kweku, O. Bismark, A. Maxwell, K. A. Desmond, K. B. Danso, E. A. Oti-Mensah, A. T. Quachie and B.B. Adormaa. Greenhouse effect: Greenhouse gases and their impact on global warming. *J. of Scientific Research & Reports*. 17(6) (2017). 1-9.
- [18] C. Nunez. Sea level rise. [Online]. Available at: <https://www.nationalgeographic.com/environment/global-warming/sea-level-rise/>. 2019.
- [19] A. McMichael, D. H. Campbell-Lendrum, S. Kovats, R. J. Nicholls, S. Edwards, P. Wilkinson and T. Wilson. Global climate change. In M. Ezzati, A. Lopez, A. Rodgers and C. Murray, eds. *Comparative quantification of health risks: Global and regional burden of disease due to selected major risk factors*. Geneva: World Health Organization., 1543-1649.2004.
- [20] Iberdrola. Consequences of the greenhouse effect. [Online]. Available at: <https://www.iberdrola.com/environment/greenhouse-effects-consequences-and-impacts>. 2018.
- [21] S. Grover & Rajeshwari, 2009. Global warming and its impact on skin disorders. *Indian J. of Dermatol, Venereol and Leprol*, 75(4) (2009) 337-339.
- [22] M.G. Plaza, S. Martinez, and F. Rubiera. CO₂ Capture, use and storage in the cement industry: State of the art and expectations. *Energies*. 13 (5692) (2020) 1-28.

- [23] M.A. Sanjuan, C. Andrade, P. Mora and A. Zaragoza. Carbon dioxide uptake by cement-based materials: A Spanish case study. *Appl. Sci.* 10(1) (2020) 1-16.

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] SU-22-003
Date: Thursday, September 1, 2022 7:18:42 AM

[@L'Orange, Pete](#)

From: Wylie Hobbs <wylie@wyliehobbs.com>
Sent: Wednesday, August 31, 2022 8:52 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: [EXTERNAL] SU-22-003

To Whom It May Concern,

I do not think it makes any logical sense to approve CEMEX's new permit request for Dowe Flats - let's be honest that it's actually a new permit, not an extension. CEMEX is trying to pull a fast one and it is up to you to stop them. The bottom line here is that Mr. L'Orange has simply not done a diligent job in any respect. I'm left wondering if he's either intentionally sabotaging CEMEX in this case or if he's deliberately ignoring facts and the health of our community because he's being bribed. You might think that's an absurd statement, but I encourage you to review his presentation from the last public hearing on SU-22-003 and you will see that not a single one of Boulder County Public Health's concerns were addressed by him (along with so many others) yet he droned on with "The Criteria Has Been Met".

The truth is, the criteria has not been met - we are putting so much at risk by even entertaining these literal fossils from CEMEX. CEMEX has continually broken its promises and even today continues to degrade the health of our people and community without remorse. We don't need CEMEX's compliance and we don't need their money. In light of Speaker Pelosi's visit today for the climate roundtable, I think the spotlight on Boulder County has only gotten brighter and more focused. She stated that it is "our moral responsibility to preserve the planet for our children" and allowing CEMEX to continue operating is in direct opposition to that. So please ask yourselves, what side of history do you want to be on? As the Colorado River drops to dramatically low levels, it's simply not possible to ignore or accept the things that actively destroy our environment and ultimately our health.

Planning Staff asserted that the mine is separate from the plant, so the additional 5,400,000 tons of Co2 the plant will emit over 15 years, with an ultimate environmental cost of \$250M, should not be considered in a recommendation. However, using very inconsistent logic, Staff later asserted that we must consider CEMEX's offer to voluntarily shut down the plant given the significance of their emissions. I also want to remind the Planning Commission that Staff's assertion that the plant could operate forever is false on both a legal and financial front. Staff's logic for when they choose to weigh the plant in decision making is flawed at best, and would not stand up in a court of law. This application does not meet the criteria in Special Review items #2, #3 (BCCP Policy ER 1.01, AG 1.03 and more), and #4.

Again, I have to ask you all what actually matters to you? Who do you want to be remembered as? The people who helped to contribute to the dramatic reduction in emissions in Boulder County and put the health of their community first or the people who just "let one slide" on some sloppy research done by Mr

L'Orange resulting in countless lives harmed by the downstream effects of CEMEX's continued operations. I can assure you that if you land in the latter group, the spotlight will shine even brighter and there will be no turning away from it. I can't even imagine the guilt that would come along with that.

It's really this simple: do you value people over profits?

Sincerely,

Wylie Hobbs
11683 Pointe View Drive, 80503

From: [LU Land Use Planner](#)
To: [L'Orange, Pete](#)
Subject: FW: [EXTERNAL] Fwd: *NEW* CEMEX Updates - Urgent Action Requested!
Date: Thursday, September 1, 2022 7:35:04 AM
Attachments: [SU-22-0003 BCCP Compliance 8.29.22.pdf](#)
[SU-22-0003 Special Review Criteria Compliance 8.29.22.pdf](#)

[@L'Orange, Pete](#)

From: Zulfia Taranda <zulfia@icloud.com>
Sent: Thursday, September 1, 2022 7:22 AM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Cc: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Fwd: *NEW* CEMEX Updates - Urgent Action Requested!

To whom it may concern:

We support Sarah Lorang's cause.

Thank you!

Zulfia Taranda

Begin forwarded message:

From: Sarah Lorang <lorang.sarah@gmail.com>
Subject: *NEW* CEMEX Updates - Urgent Action Requested!
Date: August 29, 2022 at 17:36:03 MDT
To: undisclosed-recipients;;

Good Evening!

I have some reminders and resources for everyone regarding the September 1st (at 1:30pm on Zoom) Planning Commission Hearing to vote on CEMEX's application for an additional 15 years of mining at Dowe Flats.

1 - Please email in your feedback on Staff's Supplemental Memo to the Planning Commission prior to September 1st. **We may not get the opportunity to speak at the hearing so this is very important.** *Please note that we are only supposed to comment on new information gleaned from Planning Staff's Supplemental Memo.* [Here is a link to a Google Spreadsheet with rebuttals](#) to the Staff Memo (1st tab). Please feel free to use them however you are most comfortable (copy and paste is fine).

We also took the liberty of drafting arguments for every special review criteria

that the Planning Commission is ultimately voting on - I've attached them for your convenience and use. They can also be found on Tabs 2 and 3 of the spreadsheet shared above.

Email: Boulder County: planner@bouldercounty.org

CC: Boulder County Commissioners: commissioners@bouldercounty.org

Subject Line: SU-22-003

2 - Please register to participate at the September 1st hearing [here](#). The Planning Commission will decide if this meeting will be open to public comment at the beginning of the call, so we don't know if we will be able to speak, but we would like as many people there and ready to testify as possible. *Please note that we are only supposed to comment on new information gleaned from Planning Staff's Supplemental Memo above.* [Here is a link to a Google Spreadsheet with rebuttals](#) to the Staff Memo (1st tab). If you plan to speak at Thursday's hearing, please sign up for a talking point to cover.

3 - If you're able, [please donate to Save Our St. Vrain Valley \(SOSVV\)](#), a 501c3 organization. All funds raised will go directly to paying for legal counsel. We would like SOSVV's attorney, James Silvestro, to testify on our collective behalf both in writing and at the hearing on September 1st, arguing many of our positions held in the rebuttals and response to the Special Review Criteria document attached. **If every person on this email list (approximately 200 people) donated just \$18, it would be enough to cover his fees.**

As always, please do not hesitate to reach out to me if you have any questions! Thank you for your time and support, and I hope to hear from you on Thursday at the hearing!

Sincerely,

Sarah Lorang
Good Neighbors of Lyons
www.goodneighborslyons.com

Links:

[Good Neighbors of Lyons Draft Talking Points for Planning Commission Hearing 9.1.22](#)

[Registration Link for September 1st \(at 1:30pm\) Planning Commission Hearing](#)
[Planning Staff's Supplemental Memo](#)

[Donation Link for SOSVV](#)

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Sarah Lorang
Cell: 303-476-0089
Email: lorang.sarah@gmail.com