

### DECLARATION OF RICHARD CARGILL

1. I am a member of Sierra Club, and have been since 2002.
2. I am 74 years old. I live with my wife in Longmont, Colorado, about 2 miles east of Cemex's Lyons cement plant. I can see the Cemex plant's smokestack from my home, and I can hear it operating. Now it operates generally at night. I've lived in that house since moving to Colorado in 1996 or 1997. My daughter lives in Lyons, about 10 miles from me, along with my 8-year-old grandson, who visits frequently.
3. I have been concerned about emissions from the Cemex plant since I moved here. In 1998, I helped organize a citizens' group to try to force the plant to clean up its emissions. As part of our efforts, I learned a lot about what cement plants emit, and how dangerous those pollutants are to human health and the environment. We also did research into meteorology and where the Cemex plant's emissions end up. We learned that a lot of heavy metals may end up in Lyons.
4. I am aware that EPA published a rule in 2013 that weakens the particulate matter standard for cement plants and gives them until September 2015 to come into compliance with the standards it published in 2010 and weakened in 2013. 78 Fed. Reg. 10,006, 10,053 (Feb. 12, 2013) (codified at 40 C.F.R. § 63.1351(c)). In the 2010 rule, EPA gave kilns until September 2013 to come into compliance with the standards. 78 Fed. Reg. at 10,022.
5. I am also aware, from air emissions data reported to the Colorado Department of Public Health and Environment, that the Cemex kiln will have to reduce its particulate matter pollution and mercury pollution emissions to come into compliance with either of EPA's cement rules.

6. I spend a lot of time outside—we get about 300 days of sunshine a year. I tend to our family's horses. I also care for our trees and garden. I grow potatoes, onions, tomatoes (60-80 plants), jalapeño and habanero peppers, parsnips, carrots, spinach, squash, melons, rhubarb, and grapes. We eat a lot of what we grow, and give the rest away.

7. I'm always working to stay in good health. I hike the roads and trails right by my house. I walk a couple or even 5 miles every other day. I regularly go on a road that's just out my door and goes into the countryside. I enjoy seeing the eagles, hawks, and coyotes in the area.

8. I am aware that mercury and particulate matter discharges from the cement plant can harm ecosystems and thus the plants and animals in the area. I am concerned that if the Cemex kiln is allowed to emit more dangerous pollution like mercury and particulate matter, it will harm the animals I enjoy seeing and the plants I enjoy growing and eating. I am also aware that mercury remains highly toxic long after it is emitted from a smokestack. Thus, the effects of the mercury the kiln emits in the two years between September 2013 and September 2015 will continue for a long time.

9. I am very concerned about emissions from the Cemex plant's kiln. Living as close to it as I do, and spending as much time outside in the area as I do, I am concerned that I breathe in what the plant puts out. What I breathe in affects my health. I know people who've died out here with respiratory illnesses, and I know that particulate matter pollution is especially dangerous for seniors. My health is also affected by the pollutants that deposit on the ground and that get into the soil I touch and the food I eat. We know what particulates and lead and mercury do—they are dangerous for people. I strongly believe that we need to have the strongest standards for those emissions, and that cement plants need to come into compliance with them as soon as possible.

10. I am also concerned about the effect of the emissions on my 8-year-old grandson. He works with me on my garden, and he lives in Lyons, where a lot of the heavy metals from the plant may wind up. I know that the pollution the plant emits is especially bad for developing kids like him. He's one reason I've worked so hard to get the Cemex Lyons plant to clean up and come into compliance with federal standards. The longer the kiln emits more dangerous pollutants, the worse for me and for my grandson.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10 day of April, 2013.

Richard Cargill

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