

3/8/04

SNL 2004



**National Nuclear Security Administration**

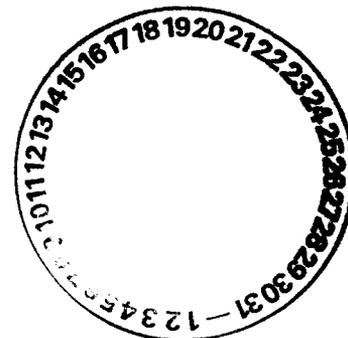
Sandia Site Office

P.O. Box 5400

Albuquerque, New Mexico 87185-5400



Mr. John Kieling  
Program Manager, RCRA Permits Management Program  
Hazardous Waste Bureau  
New Mexico Environment Department  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87505



Dear Mr. Kieling:

Enclosed is a copy of Permit No. #04-002 issued by the City of Albuquerque (COA) on January 5, 2004. The permit was issued to the National Nuclear Security Administration, Sandia Site Office and is effective January 1, 2004 through December 31, 2004.

This copy is submitted to your office in accordance with Permit Condition I.E.7 of the Hazardous Waste Treatment Facility Permit NM5890110518-2 (the Permit) for the Thermal Treatment Facility at Sandia National Laboratories/New Mexico (SNL/NM) (Environmental Protection Agency Identification Number NM5890110518).

The attached is a copy of the open burn/detonation permit, which we received on January 5, 2004. It was transmitted from COA to the Department of Energy (DOE) and Sandia Corporation (Sandia) by electronic mail and was not signed. Subsequent e-mail correspondence with Michael Smith of the COA Air Quality Division indicates that DOE and Sandia are authorized to conduct open burn/detonation operations in accordance with this permit.

Permit Condition I.E.7 requires that DOE and Sandia transmit an official copy of the open burn/detonation permit to you within 30 days of receipt. We asked Mr. Smith several times during January and February whether this electronic document constitutes the final permit. We have not received a reply. Accordingly, we are transmitting a copy of this permit to your office.

SNL 1147



Mr. John Kieling

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If you have any questions or require further information, please contact Mr. David Rast of my staff, at (505) 845-5349.

Sincerely,



Ken Zamora  
Assistant Manager, Office of Oversight  
and Assessments

Enclosure

cc w/enclosure:

MS-0184 C. Holloway (DOE/SSO)

MS-0184 D. Rast (DOE/SSO)

MS-1151 A. S. Reiser, SNL, 3125

OPEN BURN/DETONATION PERMIT #04-002 ("Permit")

ISSUED TO:

National Nuclear Security Administration ("Permittee")  
Sandia Site Office  
PO Box 5400  
Albuquerque NM 87185-5400  
Contact: Carolyn Holloway

SENT TO: Mike Du Mond, Sandia National Labs

STATUTORY AUTHORITY

The Environmental Health Department ("Department") is authorized to bring enforcement actions regarding the subject of this Order pursuant to the federal Clean Air Act, 42 U.S.C. §§7401 to 7642 (1992); the New Mexico Air Quality Control Act, Article 2, NMSA 1978 ("the Act"); either the Albuquerque Joint Air Quality Control Board Ordinance, Chapter 9, Article 5, Part 1, ROA 1994 ("the Ordinance") or the Bernalillo County Joint Air Quality Control Board Ordinance No. 94-5 ("the Ordinance"); and Albuquerque/Bernalillo County Air Quality Control Board Regulations, Title 20, Chapter 11, New Mexico Administrative Code ("the Regulations"). The Environmental Health Department is authorized by the City of Albuquerque ("the City"), the County of Bernalillo ("the County"), and the Albuquerque/Bernalillo County Air Quality Control Board ("the Board") to be the administrative and enforcement agency for the Board. Jurisdiction over Federal lands and facilities within Bernalillo County is granted to the City of Albuquerque and Bernalillo County by 42 USCA 7401 (a) (3), 42 USCA 7418 (a), and Executive Order No. 12088 (1978), as amended by Executive Order No. 12580 (1987).

PERMIT CONDITIONS AND TERMS

As authorized by 20.11.21 NMAC, Open Burning ("Regulation") a Permit as been CONDITIONALLY APPROVED to conduct the open burning or detonation activities as stated in the attached application and consistent with the following conditions and terms:

Condition No. 1: The open burn or detonation will be conducted in the manner stated and at the location indicated in the attached application.

Condition No. 2: Every reasonable effort will be made to minimize air contaminants

Condition No. 3: As required by 20.11.21.200.A(4) NMAC and 20.11.21.200.D NMAC, this Permit will be suspended during a "no burn " period, or in the event of current or prospective exceedances of the federal ambient air quality standards as determined by the Director of

the City Environmental Health Department ("Director"). Call (505) 768-1930 for current notifications.

Condition No. 4: At least 24-hours prior to the anticipated open burn or detonation, email the Department at [aq@mesa.cabq.gov](mailto:aq@mesa.cabq.gov) (preferred), fax a notice to (505) 768-1977, Attn: Compliance Assurance & Enforcement Supervisor, or call (505) 224-6977, and provide the following information:

a) company or agency name;

b) contact name and phone number;

c) type of activity;

d) permit number; and

e) anticipated date and times for the open burn or detonation, or cancellation of the permitted activity, if notification was made.

#### Additional Terms

1) This Permit may be revoked if the Permittee fails to comply with 20.11.21 NMAC, Open Burning ("Regulation") or the conditions and terms of the permit.

2) The issuance of this Permit does not relieve the Permittee from the responsibility of complying with the provisions of the Air Quality Control Act, and the laws and regulations in force pursuant to the Act.

3) Any conditions as part of this Permit shall be enforceable to the same extent as a regulation of the Board.

4) Whenever two or more parts of the Air Quality Control Act, or the laws and regulations in force pursuant to the Act, limit, control or regulate the emissions of a particulate air contaminant, the more restrictive or stringent shall govern.

5) Any records, reports, or information obtained by the Department shall be available to the public, except upon the Department's satisfactory showing that the records, reports, or information, or particular parts, thereof would divulge confidential business records, methods, or processes entitled to protection as a trade secret, or protected by any other state or federal law or regulation. However, emission data will not be treated as confidential information.

Confidential information may be disclosed to any officer, employee or authorized representative of the Department, the New Mexico Environment Department, or United States Environmental Protection Agency, or during any relevant proceeding under the Regulations, the Air Quality Control Act or the federal Clean Air Act (Act), if appropriate.

6) The Department may conduct scheduled and unscheduled inspections ensure compliance with the Regulation and Permit; and, upon presentation of proper identification and credentials, the Department shall:

a) have a right of entry to any premises where an emission source, monitoring equipment, or records are located; and

b) have access to and copy any records required to be established and maintained by this Regulation or Permit;

7) All correspondence, telephone calls, fax or emails concerning this Permit shall be addressed to:

Supervisor, Compliance Assurance and Enforcement  
Air Quality Division  
11850 Sunset Gardens SW  
Albuquerque, NM 87121  
(505) 768-1930  
(505) 768-1977 Fax  
aq@mesa.cabq.gov

8) If any part of Regulation or Permit is held to be invalid or unenforceable, the holding will not affect the validity or enforceability of any other part of the Regulation or Permit as long as the remainder of the Regulation or Permit is reasonably capable of completion.

9) This Permit shall be governed by, construed and enforced in accordance with the laws of the State of New Mexico, and the laws, rules, and regulations of the City of Albuquerque.

10) By accepting this Permit, the Agency acknowledges it has thoroughly read this Permit, and has sought and received whatever competent advice or counsel was necessary for it to form a full and complete understanding of all its rights and obligations herein.

11) This Permit shall be in effect for one year from the date of issuance unless an earlier date is requested the Applicant.

Issued by:

Michael D. Smith  
Supervisor, Compliance Assurance & Enforcement Section  
Air Quality Division  
(505) 768-1961 Office  
(505) 768-2600 Main  
(505) 768-1977 Fax  
E-mail: mdsmith@cabq.gov