



**National Nuclear Security Administration**

Sandia Site Office  
P.O. Box 5400  
Albuquerque, New Mexico 87185-5400



JAN 13 2009



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

SUBJECT: Submittal of Open Burn Permit No. 08-0084 Issued to Department of Energy (DOE), National Nuclear Security Administration/Sandia Site Office (NNSA/SSO)

Dear Mr. Kieling:

On behalf of the Department of Energy (DOE) and Sandia Corporation (Sandia), DOE is submitting the enclosed information to the New Mexico Environment Department: a copy of Open Burn Permit No. 08-0084 issued by the City of Albuquerque to the NNSA/SSO on December 30, 2008. The permit was transmitted electronically to DOE on December 30. It is effective January 1, 2009 through December 31, 2009.

This copy is submitted to your office in accordance with Permit Condition I.E.7 of the Hazardous Waste Treatment Facility Permit NM5890110518-2 for the Thermal Treatment Facility at Sandia National Laboratories/New Mexico (Environmental Protection Agency Identification Number NM5890110518). This permit condition requires that DOE and Sandia transmit an official copy of the open burn permit to you within 30 days of receipt.

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

Sincerely,

Karen Agogino  
Acting Assistant Manager for  
Environment, Safety, & Health

Enclosure



JAN 1 2009

John E. Kieling

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cc w/enclosure:

W. Moats, NMED-HWB  
C. Amindyas, NMED-HWB  
T. Skibitski, NMED-OB  
SSO Legal File

cc w/o enclosure:

A. J. Blumberg, SNL/NM, MS-0141  
B. Bielecki, SNL/NM, MS-1348  
J. J. Thompson, SNL/NM, MS-1151  
T. T. Covert, SNL/NM, MS-1454  
D. H. Castillo, SNL/NM, MS-1112  
A. S. Reiser, SNL/NM, MS-1042  
ES&H and Security Record Center, SNL/NM, MS-0651  
D. Rast, SSO  
C. Holloway, SSO  
M. Reynolds, SSO  
C. Wimberly, SSO



*City of Albuquerque*  
Environmental Health Department  
P.O. Box 1293  
ALBUQUERQUE, NEW MEXICO 87103



John W. Soladay, Director

*Thermal Treatment Facility for 2009*

**OPEN BURN PERMIT #: 08-0084**

**ISSUED TO:** DOE/NNSA/Sandia Site Office  
PO Box 5400  
Albuquerque, NM 87185

**CONTACT:** Carolyn Holloway  
(505) 845-5248

cholloway@doeal.gov

**Type of Open Burn Permit:** Cond App Mult Event Open Burn  
**Location in Bernalillo County:** Bernalillo County (unincorp)  
**Purpose of Burn Permit:** Aboveground detonation explosive

**STATUTORY AUTHORITY:**

The Environmental Health Department ('Department') is authorized to administer and enforce actions regarding 11.21.11 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).

**I. PERMIT CONDITIONS AND TERMS**

As authorized by 20.11.21 NMAC, Open Burning ('Regulation') a Permit has 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 following location: SNL/NM Thermal Treatment Facility as indicated in the attached application dated 12/16/2008 and received by the Air Quality Division ('Division') 12/16/2008. The events involve approximately up to 180 lbs of explosives and will occur between 1/1/2009 and 12/31/2009.

**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 exceedences 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 fax a notice to (505)768-1977 Attn: Open Burn Program and email the Department at jstonesifer@cabq.gov and AQD@cabq.gov. If unforeseen or emergency conditions dictate that a less than 24-hour notification is required, fax a notice to (505)768-1977 and email the department at jstonesifer@cabq.gov and AQD@cabq.gov. In addition call (505) 767-5624, and provide the following information:

1. Company or agency name
2. Contact name and phone number
3. Type of activity
4. Permit number
5. Anticipated date and times for the open burn or detonation, or cancellation of the permitted activity, if notification was made
6. Anticipated duration of the burn.

#### Condition No. 5

In accordance with 20.11.21.12 NMAC, burning of environmentally poor burning substances, as defined in 20.11.21.7.K NMAC, is strictly prohibited in Bernalillo County.

#### 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 as well as responsibility of Permittee to notify local fire authorities before igniting the burn.
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 have:
  - a. Right of entry to any premises where an emission source, monitoring equipment, or records are located; and
  - b. 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:

Open Burn Program  
Air Quality Division  
11850 Sunset Gardens SW  
Albuquerque, NM 87121  
(505) 768-1930  
(505) 768-1977 Fax

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 Permittee acknowledges having thoroughly read this Permit, and has sought and received whatever competent advice or counsel was necessary to form a full and complete understanding of all 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 by the Applicant.

12. Non-compliance of any condition or term in this permit is a violation of the permit.

13. In accordance with the 1991 Uniform Fire Code Section 11.203.g, burning material shall be constantly attended by a person knowledgeable in the use of the fire-extinguishing equipment required by Section 11.203.f and familiar with the permit limitations which restrict open burning. An attendant shall supervise the burning material until the fire has been extinguished.

Issued on the 30<sup>th</sup> day of Dec, 2008

Jeffrey W. Stansifer for  
George Dingman, Environmental Health Scientist  
Open Burn Program, Air Quality Division  
City of Albuquerque Environmental Health Department