

Overview

Air enforcement draft: classification

September 1, 2026 legal baseline NB: This register is not exhaustive. This team had limited opportunity to review the document due to the NDEP's accelerated approval process. With an abbreviated holiday week for review and comment, we could not complete the analysis and have removed 131 unsupported inconsistencies from this register.

Classification	Count	What it identifies
Error of law	39	Misstates a governing duty, applicability condition, exemption, legal actor or consequence. Describes the legal summary, not an adjudicated enforcement outcome.
Error of fact	5	Makes an affirmative historical, empirical or technical statement contradicted by the available evidence.
Internal contradiction	4	Different passages or instructions cannot both govern the same situation as written.
Calculation / implementation defect	14	Arithmetic, counting, formula inputs or workflow steps do not reliably implement the stated method.
Material ambiguity	20	Competing readings or incomplete instructions can change a material outcome, but the correct intended policy is not established.
Editorial / reference error	9	A citation, definition, label or reference needs correction or completion; no separate substantive legal conflict is established by that finding.
Legal question	17	An identified authority, permit, evidence or interpretation is needed before calling the disputed instruction an error of law.
Total findings	108	One primary classification per ID. Related mechanisms or effects do not add to the count.

Assessment	Count	What the evidence establishes
Demonstrated defect	88	The stated mismatch, contradiction, calculation defect, ambiguity or reference gap is established by the cited comparison. Potential effects remain conditional.
Unsupported assertion	6	The draft asserts a duty or inference for which the identified material supplies no adequate basis. Lack of support is not proof that the assertion is false.
Unresolved question	14	A legal determination, applicable permit or further evidence is needed to resolve the issue.

PDF pages reviewed	62	Every page is recorded in Coverage. All 108 findings and 268 related page locations are retained.
Related page locations	268	Includes repetitions and comparison passages; this is not a count of separate legal violations.

Usage Guidelines

How to read	Findings gives the conclusion, effect and correction. Evidence labels the primary legal or factual basis, then any SIP support. Authorities holds source versions and approval details; the source key below explains each role.
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Mechanism and priority	Omission or combination explains how the defect arose. Priority describes potential consequence. An omitted express exemption can be an error of law; an incomplete illustrative list may instead be a clarity issue.
Scope of conclusions	Error of law describes a misstatement in the legal summary, not a judicial holding. Assessment distinguishes demonstrated defects from unsupported assertions and unresolved legal or policy questions. Omitting an exemption does not repeal it.
Source and limits	Source: Air_Regulatory_Enforcement_Practice-_Draft.pdf, 62 pages; Factual Premise Audit and selected SIP comparisons. Current state law leads legal findings; technical evidence leads factual findings. A SIP citation identifies additional federal support or a stated version distinction.

SIP support and version context	IDs	Supporting role and retained limits
Dust and opacity qualifications	6	F047–F052. Primary NAC provisions retain the agricultural and qualifying mining exceptions, SAD trigger and opacity allowances. Approved versions provide additional federal support; all conditions remain attached.
Permit, evidence and monitoring	4	F055, F075, F100, F105. Lead with the applicable state rule or factual evidence. SIP provisions add support for permit exclusions, credible evidence, drift checks and the emissions/process-parameter distinction.
Testing and modeling boundaries	4	F070, F094, F097, F103. Lead with state testing rules, technical evidence or the policy question. SIP provisions add federal context; source-specific conditions remain. F094 is unresolved.
State/SIP version distinction	1	F067. The state .233 omission remains the finding. Older approved .667/NAQR 2.5.4 require a separate federal analysis; no blanket immunity or new demonstrated SIP conflict is claimed.
Findings with SIP context	15	15 of the 108 findings carry SIP support or a version qualification. The other findings do not depend on SIP evidence. Classification and assessment counts are unchanged.
Pending local comparisons		Clark County SIP11–SIP12 remain in the pilot as drafting examples. Pending local Part 70 provisions are not treated as statewide NDEP duties or added as legal defects.
Materiality		The strongest omissions change the apparent reach of a duty, exception or allowance. Correcting them helps staff and sources apply the intended rule before selecting a penalty. A draft omission does not itself amend the SIP.

Source key	How to use the evidence
What a SIP is	State Implementation Plan: Nevada’s collection of air-quality rules, control measures and supporting documents submitted under the Clean Air Act. EPA approval gives approved control measures federal enforceability. A29 identifies the approved Nevada provisions.
State law	NRS means statutes enacted by the Legislature. NAC means regulations adopted under statutory authority. Use the cited provision as the primary legal comparison, preserving its conditions and the September 7, 2026 baseline.
Factual evidence	Technical guidance, scientific assessments, enacted amendments used as historical evidence, and documented agency practices establish factual propositions. Their use as evidence does not make guidance a binding regulation.
Federal SIP support	An EPA-approved version can add federal support to a state-law finding. Identify the approved provision, scope and version in Authorities. Current NAC text is not automatically the EPA-approved version; approval of a package does not make every narrative sentence a binding duty.

Source key	How to use the evidence
Proposed or historical material	A proposal or pending submission is context, not proof of federal approval. An adopted state rule may already apply under state law while EPA approval is pending. A33 is a historical proposed action, not a completed removal of SIP provisions.
Draft and policy context	The draft can establish an internal contradiction or identify a policy requiring explanation. It does not independently establish a legal obligation. A source-specific permit or applicable rule must be identified where the finding requires it.
Reading order	Legal finding: state statute/regulation, then federal SIP support. Factual finding: technical or documentary evidence, then regulatory context. Version 6 clarifies the presentation without changing classifications, assessments or the legal baseline.

Findings

Air enforcement findings

108 findings. Evidence distinguishes the primary legal or factual basis from additional SIP support. Source key: Overview.

ID	Classification	Finding	Potential consequence	Potential Correction	Drafting mechanism	Assessment	Priority	PDF pages
F001	Error of law	The introduction attributes the same fine-assessment authority to NDEP and SEC.	May turn an NDEP recommendation into an apparent final fine.	Distinguish NDEP's role from the Commission's statutory levy.	Changed legal actor	Demonstrated defect	High	4, 15
F002	Error of law	The penalty framework omits the conditional environmental-audit presumption.	A qualifying audit may receive only an ordinary self-reporting credit.	Evaluate NRS 445C eligibility and rebuttal before calculating a penalty.	Omitted statutory protection	Demonstrated defect	High	4, 22-23
F003	Legal question	Signature-only issuance does not resolve whether substantive provisions require rulemaking.	Binding duties could be applied through an inappropriate adoption process.	Determine the document's intended legal use and the applicable adoption procedure.	Unresolved adoption authority	Unresolved question	High	4, 59
F004	Legal question	Pending-case coverage does not distinguish new duties from revised penalty guidance.	Earlier conduct could be assessed under a later substantive interpretation.	Preserve the law and permit effective when the conduct occurred.	Undefined transition rule	Unresolved question	High	4, 59
F005	Legal question	An ongoing ambient-compliance demonstration duty is asserted without a defined trigger.	Missing documentation could become a violation without an identified duty.	Identify the actual rule or permit duty; preserve state ambient obligations.	Unsupported demonstration duty	Unsupported assertion	High	4, 25-26
F006	Error of law	The prohibited-discharge summary omits toxic regulated air pollutants.	The stated prohibition covers less than NAC 445B.22013.	Restore both pollutant categories and the Director's threat determination.	Omitted regulated category	Demonstrated defect	Medium	4, 8, 10
F007	Error of law	Hydrogen sulfide appears under the federal NAAQS heading.	A Nevada-standard pollutant could be treated as a federal NAAQS pollutant.	Separate the six federal criteria pollutants from additional Nevada standards.	Incorrect legal classification	Demonstrated defect	Medium	5, 8, 22
F008	Editorial / reference error	The BACT definition combines Part 60 with section 52.21.	Readers receive a malformed federal citation.	Use 40 CFR section 52.21 and NAC 445B.221's incorporation reference.	Incorrect citation	Demonstrated defect	Medium	9
F009	Editorial / reference error	The BART entry has no definition and cites the wrong provision.	Readers cannot identify the defined term or its applicability.	Define BART under .029; distinguish .22096; correct '445BB'.	Missing definition / wrong citation	Demonstrated defect	Medium	9
F010	Error of law	The HAP definition substitutes an EPA webpage title for the adopted legal test.	The wrong pollutant list or deletion status could determine liability.	Preserve the adopted list and deletion test in NAC 445B.2201(1).	Omitted identification conditions	Demonstrated defect	Medium	10, 22

ID	Classification	Finding	Potential consequence	Potential Correction	Drafting mechanism	Assessment	Priority	PDF pages
F011	Error of law	The operating-permit definition describes Title V permits only.	Nevada Class II and construction permits appear outside the definition.	Use Nevada's definition and identify Title V permits as a subset.	Narrowed definition	Demonstrated defect	Medium	11
F012	Material ambiguity	SM-80 is described as 'at or within 80%' of the major-source threshold.	Sources below or above the intended boundary may receive the wrong tier.	State the intended interval and emissions basis; confirm NDEP's category.	Ambiguous threshold	Demonstrated defect	High	11, 19
F013	Error of law	The .200 violation definition adds a statutory range without preserving fine exclusions.	Readers cannot distinguish the defined term from statutory fine authority.	Quote .200 accurately; explain statutory violations and exclusions separately.	Expanded cited definition	Demonstrated defect	Medium	11
F014	Legal question	Every NOAV is treated as final without distinguishing allegations, orders and decisions.	An allegation could acquire final consequences without the proper legal basis.	State the character, service, appeal rights and finality of each instrument.	Unresolved finality rule	Unresolved question	High	10, 13-15
F015	Material ambiguity	The process does not expressly carry required facts and service into each NOAV.	A preliminary letter may be mistaken for sufficient final notice.	Add a notice checklist; distinguish required facts from optional attachments.	Incomplete notice instructions	Demonstrated defect	High	13-14
F016	Legal question	An informal conference is described as requiring the responsible official's attendance.	Absence could be treated as a breach without compulsory authority.	Identify any order or other authority, or describe attendance as requested.	Unsupported attendance duty	Unsupported assertion	Medium	13
F017	Editorial / reference error	The NOAV discussion directs readers to section 7.7 for appeals.	A time-sensitive procedure is harder to locate.	Change the reference to section 7.8.	Wrong cross-reference	Demonstrated defect	Low	14
F018	Error of law	Minor escalation uses prior issuance or receipt instead of occurrence.	Classification depends on notice timing rather than the regulatory trigger.	Use occurrence, the same section and the 60-month period in .281.	Changed escalation trigger	Demonstrated defect	High	14, 26, 28, 30
F019	Error of law	Minor escalation uses a policy 'type' and 'facility' instead of section and person.	Offenses could be pooled or separated contrary to .281.	Keep statutory classification separate from discretionary policy history.	Changed counting units	Demonstrated defect	High	14, 23-24, 26, 28, 30
F020	Calculation / implementation defect	The one-third minor-history weight has no rule for the integer history bands.	The same minor record can produce different history adjustments.	Specify fractional treatment and rounding, with a worked example.	Undefined fractional weighting	Demonstrated defect	Medium	14, 23-24, 60
F021	Calculation / implementation defect	The formula has no single mandatory route through the complete minor-fine schedule.	A discretionary calculation could replace a prescribed minor fine.	Apply .281 classification and its schedule before the policy formula.	Missing classification step	Demonstrated defect	High	14, 25, 28, 30, 42, 51, 57

ID	Classification	Finding	Potential consequence	Potential Correction	Drafting mechanism	Assessment	Priority	PDF pages
F022	Error of law	All initial demonstrations are excluded from minor treatment.	Qualifying permit monitoring could receive a major-violation base.	Classify the actual duty; distinguish performance testing from monitoring.	Unsupported categorical exclusion	Demonstrated defect	High	26
F023	Calculation / implementation defect	The \$600 Class II notice row mixes duties with different minor classifications.	A first eligible .232(4) offense could receive \$600 instead of \$250.	Split the duties and apply .281 before selecting the base.	Combined duties / missing routing	Demonstrated defect	High	42-43
F024	Calculation / implementation defect	The CMS table combines emissions, maintenance and reporting at a \$750 Class II base.	A first eligible CMS reporting offense could receive \$750 instead of \$250.	Separate the duties and route eligible reports to the minor schedule.	Combined duties / missing routing	Demonstrated defect	High	51-52
F025	Calculation / implementation defect	The \$1,000 general Class II base does not expressly exclude scheduled minor offenses.	A first qualifying burning offense could receive \$1,000 instead of \$250.	Exclude offenses governed by .281 until its escalation rule applies.	Missing routing exclusion	Demonstrated defect	High	57
F026	Material ambiguity	The appeal summary omits Form 3, its required contents and possible dismissal.	A timely appeal could still be procedurally incomplete.	Identify Form 3 and its contents, with the filing and dismissal rules.	Omitted filing procedure	Demonstrated defect	High	17
F027	Error of law	The appeal outcomes omit the Commission's power to modify a decision.	Readers may overlook partial relief from an overbroad decision.	State the powers to affirm, modify or reverse.	Omitted statutory power	Demonstrated defect	Medium	17
F028	Error of law	The hearing-extension summary omits waiver by every party in writing or on the record.	An informal or incomplete agreement could be treated as an effective waiver.	Restore the complete waiver requirement in NAC 445B.891(1).	Omitted waiver conditions	Demonstrated defect	Medium	17
F029	Legal question	Notice, receipt and service are treated as a single appeal trigger.	A party may use the wrong date for payment, appeal or finality.	State the governing trigger for each notice or order type.	Combined deadline triggers	Unresolved question	High	10, 14-15, 17
F030	Material ambiguity	The 'next scheduled hearing' description omits applicable notice and waiver requirements.	Calendar practice could obscure governing procedural deadlines.	State the relevant notice periods and any required hearing waiver.	Omitted scheduling conditions	Demonstrated defect	Medium	15-16
F031	Error of law	The other-remedies summary drops the second statutory range and regulations/orders.	The stated enforcement authority is narrower than .640(3).	Restore both ranges, covered instruments and statutory actors.	Truncated statutory authority	Demonstrated defect	Medium	15
F032	Internal contradiction	The SEP example uses a \$10,000 penalty despite a \$15,000 eligibility minimum.	The example appears to authorize an ineligible project.	Use an eligible amount or expressly label the example arithmetic-only.	Conflicting example	Demonstrated defect	Medium	16, 62
F033	Editorial / reference error	The SEP appendix references the superseded May 1995 EPA policy without explanation.	Readers cannot identify the intended policy benchmark.	Identify the version and explain any deliberate use of historical guidance.	Outdated reference	Demonstrated defect	Medium	61

ID	Classification	Finding	Potential consequence	Potential Correction	Drafting mechanism	Assessment	Priority	PDF pages
F034	Legal question	Settlement language does not consistently identify Commission approval or fine disposition.	Proposed credits or payments could be mistaken for final authorized dispositions.	Distinguish settlement proposals, Commission fines and approved SEP credits.	Unresolved settlement authority	Unresolved question	High	15-16, 61-62
F035	Internal contradiction	The workflow requires economic benefit, but section 8.7 says it is not incorporated.	The final amount depends on which instruction staff follows.	Choose one operative treatment and supply the method if benefit is included.	Conflicting instructions	Demonstrated defect	Medium	8-10, 18, 24, 60
F036	Material ambiguity	Cap prose says 'after the fourth'; tables remove the cap with three prior violations.	The fourth or fifth event could become the first uncapped case.	State the exact threshold consistently in prose and tables.	Ambiguous threshold	Demonstrated defect	Medium	24, 26-27, 29, 31-33, 35, 37, 39, 41, 44, 46, 48, 50, 52, 54, 56
F037	Calculation / implementation defect	The worksheet has a policy-cap field but no distinct statutory-ceiling calculation.	'No Cap' could be read to bypass the daily, per-offense statutory limit.	Add supported offense-days and a separate final statutory-ceiling check.	Missing ceiling check	Demonstrated defect	High	18, 20, 24, 41, 46, 48, 50, 53, 57, 60
F038	Internal contradiction	Whole-facility access denial 'will' receive the maximum in one place and 'can' in another.	Staff may treat a discretionary maximum as mandatory.	Use one formulation and support each charged day.	Changed discretion	Demonstrated defect	Medium	20, 53
F039	Calculation / implementation defect	History and cap tables alternate among finalized violations, noncompliance and NOAVs.	Packaging the same conduct differently can change the penalty.	Define the countable event, finality, date and treatment of combined notices.	Undefined history unit	Demonstrated defect	Medium	24, 26-27, 29, 31, 33, 35, 37, 39, 41, 44, 46, 48, 50, 52, 54, 56
F040	Legal question	An exceedance can move a source to a higher penalty class without a stated legal test.	Actual exceedance could be mistaken for a change in legal source status.	Apply source-class criteria or label a distinct discretionary penalty tier.	Unresolved source classification	Unresolved question	High	19, 36, 40
F041	Internal contradiction	Fourteen mitigation paragraphs say 'increase' while the formula subtracts mitigation.	Cooperation or self-reporting could increase the calculated penalty.	Correct every repeated paragraph and its mitigation cross-reference.	Reversed adjustment sign	Demonstrated defect	High	28, 30, 32, 35-36, 38, 42, 45, 47, 49, 52-53, 55, 57
F042	Editorial / reference error	The specific 0.1 mitigation credit is called an aggravating factor.	The credit could be entered with the wrong sign.	Change 'aggravating' to 'mitigating' in section 9.8.5.	Incorrect factor label	Demonstrated defect	Low	40
F043	Calculation / implementation defect	Ratio bands leave gaps; percentage-deviation bands overlap at their boundaries.	One measured result can receive no adjustment or competing adjustments.	Use exhaustive inequalities and a stated precision and rounding rule.	Gaps / overlapping bands	Demonstrated defect	Medium	34-35, 51-52
F044	Error of law	The dust definition omits whether emissions could reasonably pass through a stack or vent.	Capturable emissions could enter the wrong dust or equipment category.	Restore NAC 445B.075 and distinguish the actual emission path.	Omitted definition boundary	Demonstrated defect	High	30, 38

ID	Classification	Finding	Potential consequence	Potential Correction	Drafting mechanism	Assessment	Priority	PDF pages
F045	Error of law	The dust summary drops 'controllable' from the airborne-particulate rule.	Airborne dust alone could be treated as proof of the offense.	Restore the complete subsection (1) test and its elements.	Omitted qualifying condition	Demonstrated defect	High	30
F046	Error of law	The ongoing dust-program duty is merged with the broader handling/storage rule.	Subsection (2)'s duty appears to cover activities outside its trigger.	Separate subsections (1), (2) and (3), preserving their triggers and exceptions.	Combined subsections	Demonstrated defect	High	30
F047	Error of law	The draft omits the agricultural exemption in NAC 445B.22037(4)(a).	Exempt agricultural activities could receive program or permit obligations.	Restore .22037(4)(a) for the program and permit duties in (2)–(3); preserve (1).	Omitted exemption	Demonstrated defect	High	30, 36
F048	Error of law	The draft omits the qualifying mining-disturbance exemption in NAC 445B.22037(4)(b).	An exempt reclamation-permitted disturbance could receive extra dust duties.	Restore .22037(4)(b)'s permit and acreage conditions for (2)–(3); preserve (1).	Omitted exemption	Demonstrated defect	High	30, 36
F049	Material ambiguity	The SAD acreage penalty does not state the five-acre trigger or define planned acreage.	Subthreshold projects or undisturbed acreage could enter the calculation.	Apply NAC .22037's five-acre trigger and specified exceptions before defining the acreage multiplier.	Omitted threshold / undefined acreage	Demonstrated defect	High	20, 36
F050	Error of law	The draft omits NAC 445B.22017(2)'s exclusion for the uncombined-water portion of opacity.	Water opacity could count toward an otherwise unsupported exceedance.	Exclude the established water portion under .22017(2); retain the claimant's burden of proof.	Omitted exemption	Demonstrated defect	High	32, 34, 51
F051	Error of law	The draft omits NAC 445B.22017(3)'s limited six-minute opacity allowance for eligible units.	An expressly allowed opacity period could be treated as a violation.	Apply the allowance only to eligible Subpart D/Da units, preserving all time and percentage limits.	Omitted limited allowance	Demonstrated defect	High	32, 34, 51
F052	Error of law	The draft omits the four conditional opacity exceptions in NAC 445B.2202.	An excepted activity could receive the general opacity penalty.	Carry .22017's cross-reference through to all four .2202 exceptions and their conditions.	Omitted exemptions	Demonstrated defect	High	32, 34, 51
F053	Calculation / implementation defect	A 'valid Method 9 reading' is not defined as an observation, average or event.	Individual observations could multiply one averaged exceedance.	Use the actual standard's averaging interval and prohibit overlapping counts.	Undefined measurement unit	Demonstrated defect	High	19, 32
F054	Calculation / implementation defect	Overlapping categories lack rules implementing the draft's non-duplication policy.	One failure could produce duplicate bases or aggravation.	Identify each distinct legal duty and remove duplicate components.	Missing allocation rule	Demonstrated defect	High	18, 32, 34, 49, 51

ID	Classification	Finding	Potential consequence	Potential Correction	Drafting mechanism	Assessment	Priority	PDF pages
F055	Error of law	The unpermitted-source category omits NAC .288 exemptions and implies universal preconstruction review.	A permit-exempt source or activity could be treated as unpermitted.	Identify the actual permit duty and .288 exclusions; distinguish inventory requirements from permit duties.	Omitted exemptions	Demonstrated defect	High	36
F056	Error of law	Pending applications are covered without preserving timely Class II renewal continuation.	Lawful operation during renewal could be treated as unpermitted.	Distinguish new applications from qualifying timely renewals.	Omitted continuation provision	Demonstrated defect	High	36
F057	Legal question	Monthly counts continue to installation, permit issuance or removal without testing the actual duty.	Time before a duty begins or after it ends could be included.	Tie the period to the applicable duty and evidence; assess shutdown separately.	Unsupported duration proxy	Unresolved question	High	19-20, 36, 40
F058	Legal question	Every departure from manufacturer specifications is treated as an installation offense.	A recommendation could become enforceable without incorporation.	Identify the rule or permit that makes the specification mandatory.	Unsupported duty	Unsupported assertion	High	40
F059	Editorial / reference error	Equipment sections cite .275 but omit the specific control rule in .227.	The actual equipment duty and its exceptions are harder to identify.	Cite .227 alongside the applicable permit and general violations rule.	Omitted operative citation	Demonstrated defect	Medium	38, 40
F060	Error of law	The table joins 24-hour notice and the 15-day report with 'or'.	Separate obligations and human-error triggers appear interchangeable.	Use separate rows for .232(4) and (5), with their respective triggers.	Combined reporting duties	Demonstrated defect	High	43
F061	Error of law	The scheduled-work table omits 24-hour repair notice and advance approval.	Repairs could receive the wrong deadline; notice could be mistaken for approval.	Separate repairs from maintenance/testing and preserve advance approval.	Omitted deadline / approval	Demonstrated defect	High	42-43
F062	Material ambiguity	Anticipated-startup notice is labeled '30-Day' without its 30-to-60-day window.	A notice within the lawful window could appear premature.	State the complete window and postmark basis in .250(2).	Abbreviated deadline	Demonstrated defect	High	43
F063	Error of law	Construction notice loses the affected-facility trigger, reconstruction and 'after' timing.	The duty could be applied to the wrong project or before commencement.	State .250(1)'s trigger, covered work and 30-day-after postmark rule.	Omitted applicability condition	Demonstrated defect	High	43
F064	Error of law	The completed mass-produced facility exception is omitted from construction notice.	An exempt commencement notice could generate a penalty.	Restore the .250(1) exception without extending it to startup notices.	Omitted exemption	Demonstrated defect	High	43
F065	Material ambiguity	The cited CMS demonstration notice has no deadline or rate row.	Staff must infer its deadline and penalty treatment from 'Other'.	Add the 30-day-before demonstration notice and intended rate.	Incomplete deadline table	Demonstrated defect	Medium	42-44

ID	Classification	Finding	Potential consequence	Potential Correction	Drafting mechanism	Assessment	Priority	PDF pages
F066	Legal question	A universal 15-day deviation-report deadline is presented without its source.	A permit-specific or excess-emissions deadline could be generalized.	Identify the actual permit deadline; separate the .232(5) report.	Unidentified permit duty	Unresolved question	High	43
F067	Error of law	The excess-emissions framework omits .233's required no-violation determination.	Qualifying startup/shutdown emissions could receive a state-rule penalty.	Apply every state .233 condition; separately identify the older approved SIP provisions and federal duties.	Omitted conditional protection	Demonstrated defect	High	42, 45, 51, 57
F068	Legal question	A failed test automatically establishes the interval between passing tests.	The assumed duration can add months or years to the statutory calculation.	Support the inference with evidence and allow contrary operating evidence.	Unsupported presumption	Unsupported assertion	High	20, 45
F069	Legal question	Stopping a test because failure is suspected is treated as a proven exceedance.	An incomplete test could receive an emission-failure penalty without a valid result.	Separate incomplete tests, demonstrated exceedances and intentional interference.	Unsupported inference	Unsupported assertion	High	45
F070	Error of law	Testing categories omit representative-condition and approved-interruption provisions.	Authorized testing changes or disruptions could be treated as misconduct.	Preserve representative conditions and the approved two-run exception; distinguish them from avoiding failure.	Omitted testing qualifications	Demonstrated defect	High	45, 49
F071	Legal question	Nonrepresentative testing is grouped with falsification without separating civil and criminal elements.	A procedural defect could receive a fraud-like characterization without support.	Identify the actual duty and evidence; distinguish criminal elements expressly.	Conflated legal standards	Unresolved question	High	49
F072	Calculation / implementation defect	A result '236% above' the limit is paired with a 2.36 multiplier.	The wording implies 3.36 while the example calculates 2.36.	Say '236% of the limit' and show measured value divided by the limit.	Incorrect arithmetic description	Demonstrated defect	Medium	20, 45
F073	Calculation / implementation defect	Below 120%, the instruction does not clearly say whether each failed pollutant receives a base.	A multi-pollutant test can produce one base or several.	Provide a per-pollutant formula on both sides of the 120% boundary.	Undefined pollutant multiplier	Demonstrated defect	Medium	20, 45-46
F074	Editorial / reference error	The late-testing category omits .252's deadlines and approval provisions.	The authority for the due date or an approved change is harder to identify.	Cite .252 and the actual permit, order, deadline and any valid approval.	Omitted operative citation	Demonstrated defect	Medium	47
F075	Error of law	Daily calibration and quarterly audits are asserted for all CMS types.	System-specific checks and audit duties could become universal obligations.	Distinguish daily checks from required adjustments; identify each monitor's applicable audit rule.	Generalized technical duty	Demonstrated defect	High	51

ID	Classification	Finding	Potential consequence	Potential Correction	Drafting mechanism	Assessment	Priority	PDF pages
F076	Error of law	The CMS category omits allowed interruptions and data excluded from averages.	Permitted downtime or excluded data could support an incorrect violation.	Apply the actual availability, validity and averaging requirements.	Omitted operating qualifications	Demonstrated defect	High	51
F077	Editorial / reference error	The CMS citation range stops before .267's alternative-procedure provision.	An approved alternative may be overlooked.	Include .267 and review approvals within their federal limitations.	Omitted alternative-procedure citation	Demonstrated defect	Medium	51
F078	Error of law	The records-access business-hours condition is applied to all inspections.	Lawful inspections during operating or reasonable hours may be mischaracterized.	Separate records access, inspection and sampling time standards.	Combined access standards	Demonstrated defect	High	53
F079	Error of law	The access rule omits presentation of appropriate credentials.	A request to establish inspector authority could be treated as refusal.	Restore and document authorization, credentials, request and refusal.	Omitted authority condition	Demonstrated defect	High	53
F080	Material ambiguity	The unpermitted-source discussion omits the warrant procedure in .580(2).	Permit consent, independent entry authority and warrants become conflated.	Explain .580(2) alongside .240's refusal prohibition.	Incomplete access procedure	Demonstrated defect	Medium	53
F081	Legal question	Whole-facility denial accrues daily until access is granted without a continuing-demand rule.	Later days could be charged without a supported continuing refusal.	Document the lawful demand, offers of access and each charged day.	Unsupported continuing count	Unsupported assertion	High	20, 53
F082	Error of law	The schedule summary omits the status of sources operating under approved schedules.	A source meeting its schedule could be treated as if no schedule existed.	Preserve .273's protection and distinguish missed milestones or other duties.	Omitted compliance protection	Demonstrated defect	High	55
F083	Material ambiguity	Stop-order enforcement omits revocation requests and the 24-hour written-response provision.	Readers may not know the route to end an unnecessary stop order.	State .277(3)(b)'s application, withdrawal and response requirements.	Omitted review procedure	Demonstrated defect	Medium	55
F084	Legal question	The catch-all does not identify incorporation, delegation, permit basis or fine authority.	An applicable federal or chapter provision could be charged under the wrong authority.	Identify the exact enforceable duty, version, source applicability and fine basis.	Unidentified enforcement basis	Unresolved question	High	57
F085	Error of law	An annual-fee surcharge is linked to renewal charges and administrative fines generally.	The 25% addition could be imposed on debts outside the cited authority.	Separate debt types and confine each consequence to its legal authority.	Expanded surcharge scope	Demonstrated defect	High	58
F086	Error of law	The 25% surcharge summary drops the 30-day trigger.	The surcharge could be assessed too early.	Restore the 30-day interval after the annual installment becomes due.	Omitted timing condition	Demonstrated defect	High	58

ID	Classification	Finding	Potential consequence	Potential Correction	Drafting mechanism	Assessment	Priority	PDF pages
F087	Error of law	The late-fee summary omits the ongoing-negotiations exception.	A surcharge could be imposed when the regulation says it does not apply.	Restore the exception and determine negotiation status at assessment.	Omitted exemption	Demonstrated defect	High	58
F088	Error of law	Termination 'may' occur for cause, but the draft says it 'will' occur after an unspecified time.	A discretionary decision and defined notice process appear automatic.	Use the correct authority, cause determination, notice period and appeal process.	Changed discretion / omitted notice	Demonstrated defect	High	58
F089	Material ambiguity	Agency-funding language follows a category that also includes administrative fines.	Readers may think fines finance Division operations rather than the Education Fund.	Separate fee financing from .640(5)'s disposition of fines.	Combined payment categories	Demonstrated defect	Medium	58
F090	Error of law	Fine nonpayment is folded into fees without its separate deadline, offense and indigency exception.	The stated consequences do not accurately describe .640(4).	Separate fine nonpayment and preserve the court's indigency determination.	Omitted consequence / exception	Demonstrated defect	Medium	58
F091	Editorial / reference error	The fee section omits the mercury annual-fee provision.	Mercury fees may be evaluated under the wrong schedule or exception.	Include .3689 and its annual-fee trigger and negotiations exception.	Omitted fee authority	Demonstrated defect	Medium	58
F092	Calculation / implementation defect	The worksheet has no fields for category-specific aggravation or mitigation.	A specified adjustment can disappear from the calculation.	Add separate fields and connect them to the formula.	Missing formula inputs	Demonstrated defect	Medium	34, 40, 51, 60
F093	Calculation / implementation defect	The only worksheet example displays an error value instead of a result.	Readers cannot reproduce or validate the example.	Supply a complete numeric example and verify the original editable formulas.	Unresolved displayed calculation	Demonstrated defect	Medium	60
F094	Legal question	Different treatment of noticed engineering tests lacks an explained notice, reliability and evidentiary basis.	Relevant evidence could be disregarded or proper notice mistaken for immunity from emission limits.	Define the notice duty and policy rationale; preserve credible evidence regardless of the test's label.	Unexplained notice-based policy	Unresolved question	High	12
F095	Error of fact	The Act is described as last amended in 1990 despite later amendments.	The document gives an inaccurate statutory history.	Delete 'last' or describe the major 1990 amendments accurately.	Incorrect historical statement	Demonstrated defect	Low	5
F096	Material ambiguity	The 0.5 general mitigation cap is not reconciled with an extra 0.1 category credit.	The same case can receive total mitigation of 0.5 or 0.6.	State whether the cap covers general factors alone or all mitigation.	Unclear cap scope	Demonstrated defect	Medium	22, 40, 60
F097	Error of fact	The draft states that fugitive emissions are not accounted for in air permit modeling.	Staff could disregard modeled fugitive emissions and incorrectly infer that compliance cannot be verified.	Correct the blanket exclusion; identify any source-specific exclusion and its modeling and legal basis.	Incorrect categorical statement	Demonstrated defect	High	30

ID	Classification	Finding	Potential consequence	Potential Correction	Drafting mechanism	Assessment	Priority	PDF pages
F098	Material ambiguity	Hydrogen-sulfide health effects omit the exposure levels, duration and strength of evidence.	An unspecified ambient event could be assigned effects associated with different exposure conditions.	Qualify each health claim by dose, duration and evidence. Avoid treating odor alone as proof of those effects.	Overstated factual premise	Demonstrated defect	Medium	8
F099	Error of fact	The HAP description turns known or suspected hazards into a blanket claim of proven causation.	Different hazards and levels of evidence could be presented as a uniform proven health risk.	Restore “known or suspected” and distinguish cancer or other serious effects from exposure-specific risk.	Overstated factual premise	Demonstrated defect	Medium	8, 10, 22
F100	Error of fact	Missing records, reports or CMS data are said to eliminate every means of determining compliance.	Staff could reject other valid evidence or confuse missing information with proof of excess emissions.	Evaluate credible alternative evidence; preserve NAC .063 and .252(2)(d), and enforce separate missing-information duties.	Contradicted factual premise	Demonstrated defect	High	25, 26, 28, 51
F101	Material ambiguity	Opacity and operating parameters are described as ensuring broader emissions compliance.	An indicator could be mistaken for proof of a separate mass-emission violation or every permit condition.	Identify the measured requirement and the validated relationship needed for any broader emissions inference.	Overstated factual premise	Demonstrated defect	High	32, 34
F102	Material ambiguity	Missing controls are described as necessarily producing higher, unaccounted emissions.	An equipment violation could acquire an unsupported emissions or harm finding.	Say “can result in” and identify operating evidence and inventory assumptions supporting the inferred increase.	Overstated factual premise	Demonstrated defect	Medium	38, 40
F103	Material ambiguity	A source test is described as an exact, real-time account of emissions whenever the system operates.	One test could be assigned more precision, pollutant coverage or temporal reach than it establishes.	Describe the tested conditions, pollutants and run averages; explain any inference beyond the sampled period.	Overstated factual premise	Demonstrated defect	Medium	45
F104	Material ambiguity	Late tests and unmet orders are said to prevent adequate air-resource management generally.	A broad program-level claim could substitute for explaining the particular violation’s consequence.	Identify the specific information gap, delay or lost remedial function caused by the violation.	Overstated factual premise	Demonstrated defect	Low	47, 55
F105	Error of fact	The CMS rationale applies direct-emissions measurement language to parameter monitors.	A parameter excursion could be treated as a measured pollutant exceedance and inflate the emissions-ratio factor.	Distinguish pollutant, opacity and process-parameter measurements before assigning an emissions ratio.	Contradicted factual premise	Demonstrated defect	High	51

ID	Classification	Finding	Potential consequence	Potential Correction	Drafting mechanism	Assessment	Priority	PDF pages
F106	Material ambiguity	The health-risk factor does not explain how a credible complaint is attributed to the violation.	A symptom report could become a source-specific health-risk finding without an explained exposure connection.	Explain the link among the violation, pollutant, timing, exposure pathway and receptor, and the role of complaints.	Unexplained policy choice	Unresolved question	Medium	21, 22
F107	Material ambiguity	The health-risk factor covers every NAAQS exceedance without explaining secondary-only exceedances.	An exceedance of a welfare-protection standard could receive a health increase without an explained basis.	Identify the standard and averaging form. Explain secondary-only cases and interaction with the environmental-risk factor.	Unexplained policy choice	Unresolved question	Medium	5, 22
F108	Material ambiguity	The mercury exception asserts an embedded HAP premium without identifying the comparator or amount.	The stated reason for removing the 0.5 HAP factor could produce unexplained differences among penalty categories.	Show the comparison category and embedded mercury increment for each affected base penalty, and explain the exception.	Unexplained policy choice	Unresolved question	Medium	22, 26, 29, 39, 50

Evidence

Evidence and basis for classification

Read the primary legal or factual basis first, then any SIP support. Approval versions and dates are in Authorities; the source key is in Overview.

ID	Draft section and wording / précis	Authority or factual source	Source text or rule	Basis, explanation and qualifications	Source URL or draft location
F001	Section 1; 7.4 "authorizes the ... Division ... and the ... Commission ... to assess an administrative fine"	State law NRS 445B.640(1)-(2); NAC 445B.281; 445B.283	Quote: "an administrative fine levied by the Commission"; the Commission establishes the lesser-violation schedule by regulation.	Basis: Express statutory or regulatory text. The introduction attributes the same fine-assessment authority to both bodies without distinguishing recommendation, collection under a fixed schedule, and Commission levy. Limit: This does not deny NDEP's enforcement, settlement, or minor-notice functions.	https://www.leg.state.nv.us/NRS/NRS-445B.html
F002	Section 1; 8.4; 8.4.2 Section 1 omits the NRS 445C exception; self-reporting is described only as a discretionary 0.25 reduction.	State law NRS 445B.640(1); NRS 445C.080-.100	Quote: "Except as otherwise provided in subsection 4 and NRS 445C.010 to 445C.120, inclusive". Section 445C.080 creates a conditional presumption against administrative or civil liability.	Basis: Express statutory or regulatory text. The statutory audit route and its burdens of proof are missing from the penalty decision sequence. Limit: Ordinary self-reporting alone is not enough: the written audit agreement and other statutory conditions must be met.	https://www.leg.state.nv.us/NRS/NRS-445B.html https://www.leg.state.nv.us/NRS/NRS-445C.html
F003	Section 1; 2; 11 "effective thirty (30) days following signature"; Division may revise or revoke the Practice at any time.	State law NRS 233B.038(1)(a),(d), (2)(a),(d),(m); 233B.040(1); NRS 445B.215	Quote: regulation includes "general application ... of a written policy, interpretation, process or procedure" used to determine compliance to assess a fine. Internal-guidance exclusions are qualified.	Basis: Authority, permit or legal determination needed. Signature-only adoption is asserted without addressing use of the Practice as authority for new compliance duties or altered exceptions. Limit: Whether the whole Practice is a regulation depends on content and use. Consider all statutory exclusions, including sufficient prior actual notice; the title alone does not decide the issue.	https://www.leg.state.nv.us/NRS/NRS-233B.html https://www.leg.state.nv.us/NRS/NRS-445B.html
F004	Section 2; 11 "applies to all alleged violations for which penalties have not been settled or agreed to"	State law NRS 233B.038(2)(m); NRS 445B.640(1) Applicability to verify Effective dates of the governing rule and permit	Paraphrase: the prior-actual-notice exclusion in .038(2)(m) is expressly conditional; liability still requires violation of an applicable legal requirement.	Basis: Authority, permit or legal determination needed. A case's settlement status is the only stated transition criterion. The draft does not distinguish changed penalty recommendations from newly asserted duties or changed legal standards. Limit: Not a conclusion that applying revised discretionary penalty guidance to pending cases is automatically unlawful.	https://www.leg.state.nv.us/NRS/NRS-233B.html https://www.leg.state.nv.us/NRS/NRS-445B.html

ID	Draft section and wording / précis	Authority or factual source	Source text or rule	Basis, explanation and qualifications	Source URL or draft location
F005	Section 3; 9.1.3 "a stationary source cannot operate in manner that will not demonstrate attainment"; missing records mean compliance with NAAQS cannot be demonstrated.	State law NAC 445B.308(1)-(2); 445B.310(1)-(2); 445B.233(3); 445B.275(1)	Quote: "The Director shall not issue an operating permit ... if" the statutory conditions are met; .310 specifies evaluation triggers and a Class II applicant exemption.	Basis: Authority, permit or legal determination needed. The draft converts an ambient-air and permitting framework into an undefined, universal continuing demonstration obligation. Limit: NAC 445B.233(3) expressly preserves the obligation to attain and maintain state ambient standards. This finding concerns an undefined demonstration/record-possession duty, not denial of that obligation; inspect the actual permit.	https://www.leg.state.nv.us/NA C/NAC-445B.html
F006	Section 3; 3.2; 4(14) The prohibited-discharge summary mentions only "any hazardous air pollutant".	State law NAC 445B.2201(2); 445B.22013	Quote: "any hazardous air pollutant or toxic regulated air pollutant that threatens the health and safety of the general public".	Basis: Express statutory or regulatory text. The second pollutant category is omitted from a summary of the prohibition.	https://www.leg.state.nv.us/NA C/NAC-445B.html
F007	Section 3.1; 8.3.3 "Hydrogen Sulfide" appears as a row in the "NAAQS Harmful Effects" table.	State and federal standards NAC 445B.22097; 40 CFR Part 50 Agency reference A05: EPA NAAQS table	Paraphrase: federal NAAQS cover CO, lead, NO2, ozone, particulate matter, and SO2; Nevada separately lists H2S in its state standards.	Basis: Express statutory or regulatory text. The table places a state-standard pollutant under the federal NAAQS label.	https://www.epa.gov/criteria-air-pollutants/naaqs-table https://www.leg.state.nv.us/NA C/NAC-445B.html
F008	Section 4(4) "40 C.F.R. Part 60 52.21" appears twice.	State law NAC 445B.028; 445B.221(4)	Quote: "40 C.F.R. § 52.21, as incorporated by reference in NAC 445B.221".	Basis: Definition, citation or reference comparison. The citation combines Part 60 with section 52.21 and drops the state incorporation reference. Related issue: Legal interpretation may be affected.	https://www.leg.state.nv.us/NA C/NAC-445B.html
F009	Section 4(5) "Best available retrofit technology (BART). (NAC 445BB.22096)"	State law NAC 445B.029; 445B.22096	Quote from .029: "an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction".	Basis: Definition, citation or reference comparison. The entry contains no definition, misspells chapter 445B, and cites an applicability provision instead of the definition. Related issue: Legal definition incomplete.	https://www.leg.state.nv.us/NA C/NAC-445B.html
F010	Section 4(14); 8.3.4 "These are determined by the EPA 'Initial List of Hazardous Air Pollutants with Modifications.'"	State law NRS 445B.140; NAC 445B.2201(1); 445B.221	Quote: on the federal list "as adopted by reference in NAC 445B.221" and "not deleted from that list" under the adopted Subpart C.	Basis: Express statutory or regulatory text. An EPA web-list title substitutes for the legal identification test and its adopted-version/deletion qualifications.	https://www.leg.state.nv.us/NA C/NAC-445B.html
F011	Section 4(22) "These are required by Title V ... issued to all major and a limited number of minor sources."	State law NRS 445B.145; NAC 445B.123	Quote: a permit "signed and issued by the Director approving, with conditions, the construction and operation"; NAC includes Class I, Class II, construction, and mercury construction permits.	Basis: Express statutory or regulatory text. A generic Title V description replaces Nevada's broader definition.	https://www.leg.state.nv.us/NR S/NRS-445B.html https://www.leg.state.nv.us/NA C/NAC-445B.html

ID	Draft section and wording / précis	Authority or factual source	Source text or rule	Basis, explanation and qualifications	Source URL or draft location
F012	Section 4(28); 8.1 "controlled PTE is at or within 80% of the major source threshold"	Agency classification guidance A06: NDEP published SM-80 category State definitions NAC 445B.036-.037	NDEP description: "Sources that emit or have the potential to emit at or above 80 percent of the Title V major source threshold."	Basis: Draft wording compared with agency SM-80 description; intended category needs confirmation.. "At or within 80%" does not state the at-or-above-80% boundary and can be read to include lower-emitting sources. Limit: The wording is ambiguous; NDEP should confirm the intended penalty-category definition. The GIS description is agency guidance, not a statute.	https://webgis.ndep.nv.gov/Geocortex/Essentials/REST/sites/iMap/map/mapservices/20/layers/5 https://www.leg.state.nv.us/NAC/NAC-445B.html
F013	Section 4(29) Definition adds "NRS 445B.100 to 445B.640" while citing only NAC 445B.200.	State law NAC 445B.200; NRS 445B.640(1)	Quote from .200: "NAC 445B.001 to 445B.390, inclusive, any applicable requirement or any condition of an operating permit".	Basis: Express statutory or regulatory text. The additional statutory range is not part of the cited definition, and does not preserve the penalty statute's exclusions.	https://www.leg.state.nv.us/NAC/NAC-445B.html https://www.leg.state.nv.us/NRS/NRS-445B.html
F014	Section 4(13); 6.3; 7.3-.4 "Any written notice of violation" becomes a finalized violation if no hearing is requested within 10 calendar days.	State law NRS 445B.450(1)-(4); NAC 445B.890(1)	Quote: "Such an order becomes final unless, within 10 days after service of the notice" a named person requests a hearing. NAC .890 concerns a final Department decision.	Basis: Authority, permit or legal determination needed. The draft does not explain when a notice of an allegation is itself a final appealable decision, rather than a notice containing an appealable corrective order. Limit: Do not assert that NOAVs can never be appealable. The issue is the unexplained blanket finality rule and the narrower language of .450(3).	https://www.leg.state.nv.us/NRS/NRS-445B.html https://www.leg.state.nv.us/NAC/NAC-445B.html
F015	Section 6.1; 6.3 LOAF "may provide the data or evidence"; the later NOAV is described only by reference to NRS 445B.450.	State law NRS 445B.450(1)-(2); 445B.330; NAC 445B.275(2)-(3)	Quote: the notice shall specify "The statute or regulation alleged to be violated" and "The facts alleged to constitute the violation".	Basis: Competing or incomplete draft readings. The process does not expressly carry the mandatory facts, legal authority, and service requirements into each NOAV, including newly added allegations.	https://www.leg.state.nv.us/NRS/NRS-445B.html https://www.leg.state.nv.us/NAC/NAC-445B.html
F016	Section 6.2 "The RO is the only representative ... required to attend"	State law NRS 445B.450(5); NAC 445B.156	Quote: voluntary compliance efforts may proceed "through warning, conference or other appropriate means". Section .156 defines qualifying responsible officials.	Basis: Authority, permit or legal determination needed. A mandatory personal-attendance duty is stated without an order, subpoena, permit condition, or other authority for this informal meeting. Limit: An enforceable order or subpoena may alter the analysis in an individual case.	https://www.leg.state.nv.us/NRS/NRS-445B.html https://www.leg.state.nv.us/NAC/NAC-445B.html
F017	Section 6.3 "See Section 7.7"	Draft comparison Draft section 7.8, p.17	Draft 7.7 is Consent Decree; 7.8 is Appeal Process.	Basis: Definition, citation or reference comparison. The cross-reference sends readers to the wrong section.	Source PDF, pp.14 and 17

ID	Draft section and wording / précis	Authority or factual source	Source text or rule	Basis, explanation and qualifications	Source URL or draft location
F018	Section 7.2; 9.1.6; 9.2.6; 9.3.6 "has had three minor violations issued"; first, second, and third offenses must have been received.	State law NAC 445B.281(2),(4)	Quote: "upon the occurrence of the fourth violation of the same section within a period of 60 consecutive months".	Basis: Express .281 occurrence language; treatment of disputed counts remains qualified.. The draft substitutes prior issuance/receipt for the rule's occurrence-based language. Limit: Counting and retrospective effects under "all minor violations" warrant legal confirmation; do not assume a separate prior NOAV is always required. Related issue: Implementation of offense counting.	https://www.leg.state.nv.us/NA C/NAC-445B.html
F019	Section 7.2; 8.5; 9.1-.3 Escalation and history refer to "facility" and "violation of that type".	State law NAC 445B.281(2),(4)	Quote: "violations of any one of those sections by a person"; "fourth violation of the same section".	Basis: Express statutory or regulatory text. Policy violation categories and facility history are not the same units as the regulation's section/person test.	https://www.leg.state.nv.us/NA C/NAC-445B.html
F020	Section 7.2; 8.5; Appendix A A minor violation "counts as one-third of a major violation"; same-type history then uses integer bins.	Draft comparison Draft 7.2; 8.5.1-.2; Appendix A	Draft bins are 0, 1, 2, 3, or 4+ prior violations; no fractional rule or example is supplied.	Basis: Calculation or workflow instructions. The promised one-third weight is not reconciled with the nonlinear same-type table or cap escalation. Related issue: Material ambiguity.	Source PDF, pp.14, 23-24 and 60
F021	Section 7.2; 9 The draft describes predetermined minor fines but supplies only its discretionary category tables.	State law NRS 445B.640(2); NAC 445B.281(2)-(3)	Paraphrase: dust fines are \$500/\$1,000/\$2,000; the other listed minor offenses are \$250/\$500/\$1,000 for first/second/third offenses.	Basis: Calculation or workflow instructions. No unified mandatory check ensures the statutory classification and fixed schedule are used before the section 9 formula. Limit: Sections 4(17) and 7.2 correctly recognize the minor category. The defect is incomplete implementation, not total absence of the category.	https://www.leg.state.nv.us/NA C/NAC-445B.html https://www.leg.state.nv.us/NRS/NRS-445B.html
F022	Section 9.1.6 "Initial compliance demonstrations are not minor violations."	State law NAC 445B.281(2)-(3); 445B.275(1)(e)	Quote: minor category includes "recordkeeping, monitoring, reporting or compliance certification" requirements contained in an operating permit.	Basis: No blanket initial-demonstration exclusion in .281; actual duty must still qualify.. No categorical initial-demonstration exclusion appears in the cited minor-violation language. Limit: Initial performance testing under a separate legal duty may be major. Distinguish testing from permit monitoring or certification before applying this finding.	https://www.leg.state.nv.us/NA C/NAC-445B.html
F023	Section 9.9.6 Class II "24-Hour or 15-Day Post Notification of Excess Emission" base is \$600, without a minor-violation routing statement.	State law NAC 445B.281(2)-(3); .232(3)-(5) Draft comparison D01: § 7.2	Paraphrase: .232(3) and (4) are expressly listed as minor for eligible Class II sources; .232(5) is not expressly listed on that basis.	Basis: Calculation or workflow instructions. The combined row and absent routing statement conceal materially different classifications. Related issue: Potential departure from prescribed minor fines.	https://www.leg.state.nv.us/NA C/NAC-445B.html
F024	Section 9.13.1; 9.13.6 CMS reporting violations receive a Class II base of \$750 without a minor-classification instruction.	State law NAC 445B.281(2)-(3); .265(2) Draft comparison D01: § 7.2	Paraphrase: .265(2) reporting and qualifying permit reporting under .275(1)(e) are listed minor violations with \$250/\$500/\$1,000 fines.	Basis: Calculation or workflow instructions. A mixed CMS category combines emission-limit, maintenance, and reporting offenses under one discretionary table. Related issue: Potential departure from prescribed minor fines.	https://www.leg.state.nv.us/NA C/NAC-445B.html

ID	Draft section and wording / précis	Authority or factual source	Source text or rule	Basis, explanation and qualifications	Source URL or draft location
F025	Section 9.16.6 General violations have a Class II \$1,000 base and "no total cap".	State law NAC 445B.281(2)–(3) Draft comparison D01: § 7.2	Paraphrase: open burning, incinerator burning, and change-of-location violations have specified lesser-violation fines when .281 applies.	Basis: Calculation or workflow instructions. These offenses can fall into the residual category, which lacks an express exclusion for scheduled minor offenses. Related issue: Potential departure from prescribed minor fines.	https://www.leg.state.nv.us/NAC/NAC-445B.html
F026	Section 7.8 The appeal section lists grounds and the deadline but does not identify Form 3.	State law NAC 445B.890(1),(3)–(4)	Quote: the Commission "may dismiss" a request if the person fails to submit a "completed form 3".	Basis: Competing or incomplete draft readings. The six grounds are substantively consistent with .890, but the required filing instrument, contents, and dismissal consequence are omitted.	https://www.leg.state.nv.us/NAC/NAC-445B.html
F027	Section 7.8 The outcomes are stated as uphold the violation or dismiss it.	State law NRS 445B.360(2)	Quote: "The Commission shall affirm, modify or reverse any action taken by the Director".	Basis: Express statutory or regulatory text. The intermediate power to modify is omitted from the draft's binary description.	https://www.leg.state.nv.us/NRS/NRS-445B.html
F028	Section 7.8 "unless both the Division and the facility agree to an extension"	State law NAC 445B.891(1); NRS 445B.350(1)	Quote: "unless each party ... waives the right ... in writing or on the record before the Commission".	Basis: Express statutory or regulatory text. The draft omits the required recorded/written waiver and substitutes two named participants for every party.	https://www.leg.state.nv.us/NAC/NAC-445B.html https://www.leg.state.nv.us/NRS/NRS-445B.html
F029	Section 4(13); 6.3; 7.2–4; 7.8 Several passages use receipt of a NOAV; 7.8 simply says "within 10 calendar days".	State law NRS 445B.340; 445B.450(3); NAC 445B.890(1); 445B.283(1)	Paraphrase: .340/.890 refer to notice of the Department action; .450(3) and .283(1) use service of notice.	Basis: Authority, permit or legal determination needed. Different legal acts and triggers are presented as a single universal receipt-based rule, and the dedicated appeal section gives no trigger. Limit: Actual receipt may coincide with valid service. Do not infer that mailing date universally controls either.	https://www.leg.state.nv.us/NAC/NAC-445B.html https://www.leg.state.nv.us/NRS/NRS-445B.html
F030	Section 7.4; 7.5 "The Commission then hears the case at the next scheduled Commission Hearing".	State law NRS 445B.450(4); 445B.350; NAC 445B.891	Paraphrase: proceedings for recovery of a penalty and the applicable hearing/notice process remain necessary; .891 provides at least five days' notice and an all-parties waiver mechanism.	Basis: Competing or incomplete draft readings. The calendar description does not preserve governing hearing notices and any applicable 20-day scheduling or waiver requirement.	https://www.leg.state.nv.us/NAC/NAC-445B.html https://www.leg.state.nv.us/NRS/NRS-445B.html
F031	Section 7.5 "may enforce ... NRS 445B.100 to 445B.450" citing NRS 445B.640(3).	State law NRS 445B.640(3)	Quote: the provision also covers "445B.470 to 445B.640, inclusive", regulations and orders, and proceedings by "the Commission or the Director".	Basis: Express statutory or regulatory text. The summary drops the second statutory range, regulations/orders, and the named statutory actors.	https://www.leg.state.nv.us/NRS/NRS-445B.html
F032	Section 7.5.1; Appendix B(6) Minimum recommended penalty is \$15,000; Appendix B uses a \$10,000 penalty for 100% SEP mitigation.	Draft comparison Draft 7.5.1 and Appendix B(6)	The draft sets a \$15,000 threshold but illustrates a \$12,500 SEP replacing a \$10,000 penalty.	Basis: Contradictory draft passages. The worked example falls below the stated eligibility minimum without saying it is arithmetic-only.	Source PDF, pp.16 and 62

ID	Draft section and wording / précis	Authority or factual source	Source text or rule	Basis, explanation and qualifications	Source URL or draft location
F033	Section Appendix B(1) "US EPA's Revised SEP Policy, May 1995"	Federal policy context A07: EPA 2015 Update to the 1998 SEP Policy Not itself a Nevada statutory or regulatory requirement	EPA states that the 2015 update supersedes the May 1995 interim policy and the 1998 policy.	Basis: EPA supersession history; historical state policy choice remains possible.. The draft cites an old version without identifying it as superseded or explaining the state's choice to follow it. Limit: EPA settlement policy does not automatically bind Nevada. This is a reference/clarity issue, not proof that Nevada's SEP terms are unlawful.	https://www.epa.gov/enforcement/2015-update-1998-us-epa-supplemental-environmental-projects-policy
F034	Section 7.5-.6; Appendix B Division settlements may include payments and SEPs; Appendix B allows 100% mitigation.	State law NRS 445B.640(1), (3), (5) Draft comparison D01: § 7.5.1	Quote: fines are "levied by the Commission" and fines collected by it "must be deposited in the State Education Fund"; .640(3) preserves other remedies.	Basis: Authority, permit or legal determination needed. The text does not consistently distinguish a proposed settlement, a final Commission fine, and a SEP credit approved in lieu of a penalty. Limit: Do not claim that .640 prohibits all SEPs or settlements; the draft itself calls for Commission proposal/approval in 7.5.1.	https://www.leg.state.nv.us/NRS/NRS-445B.html
F035	Section 3.3-.5; 4(10); 8 steps 7-8; 8.7; Appendix A "Calculate and add the economic benefit"; section 8.7 is titled "Not Currently Incorporated" and has no content.	Draft comparison Draft 3.5; 8 steps 7-8; 8.7; Appendix A	The final-penalty formula includes economic benefit, but no method or worksheet field is provided.	Basis: Contradictory draft passages. The calculation workflow conflicts with its own implementation status. Related issue: Calculation / implementation defect.	Source PDF, pp.8-10, 18, 24 and 60
F036	Section 8.6; 9.1-.15 cap tables "no max cap after the fourth violation"; tables say "3" previous violations means "No Cap".	Draft comparison Draft 8.6 and section 9 cap tables	Three previous violations make the current violation the fourth; "after the fourth" can instead suggest the fifth.	Basis: Competing or incomplete draft readings. General prose and the table threshold use different descriptions of the first uncapped case.	Source PDF, p.24 and cap tables
F037	Section 8; 8.6; 9; Appendix A The worksheet has only "Max Cap"; several categories say "No Cap" or no total cap.	State law NRS 445B.640(1) Draft calculation D01: § 8	Quote: "not more than \$10,000 per day per offense. Each day of violation constitutes a separate offense."	Basis: Calculation or workflow instructions. The draft correctly states the statutory ceiling globally but supplies no separate worksheet calculation of supported offense-days or final statutory limit. Limit: A policy cap above \$10,000 is not itself unlawful where multiple supported offense-days exist. Related issue: Potential statutory-ceiling consequence.	https://www.leg.state.nv.us/NRS/NRS-445B.html
F038	Section 8.2; 9.14.6 Page 20 says the penalty "will be \$10,000 per day"; page 53 says "can be".	Draft calculation D01: §§ 8.2 and 9.14.6 State-law context NRS 445B.640(1)	The statute supplies a maximum; the two draft descriptions differ on whether use of that maximum is mandatory.	Basis: Contradictory draft passages. The summary table and operative category give different instructions.	https://www.leg.state.nv.us/NRS/NRS-445B.html

ID	Draft section and wording / précis	Authority or factual source	Source text or rule	Basis, explanation and qualifications	Source URL or draft location
F039	Section 8.5-6; 9 cap tables History uses "issued and finalized" violations; cap headings use "instances of Noncompliance" or "same issued NOAVs".	Draft comparison Draft 8.5; section 9 cap tables	A NOAV can contain multiple issues, while noncompliance may be alleged, dismissed, or part of the current action.	Basis: Calculation or workflow instructions. The draft gives no common counting unit, time anchor, or rule for same-action events, warning notices, and combined 9.1/9.2 caps.	Source PDF, pp.23-24 and cap tables
F040	Section 8.1; 9.6.1; 9.8.1 If violations "move the facility's emissions up in class", use the higher permit-class penalty.	State law NAC 445B.036; 445B.037; 445B.138	Paraphrase: Class I/II classification turns on specific legal criteria, including potential to emit; exceeding a permit limit does not alone establish a different source class.	Basis: Authority, permit or legal determination needed. The draft does not say whether this is a penalty-tier convention or a determination of legal major-source status. Limit: Unpermitted units or unenforceable limits can change source status; the issue is automatic reclassification without the required analysis.	https://www.leg.state.nv.us/NAC/NAC-445B.html
F041	Section 9.2.5 through 9.16.5 (listed pages) "Mitigating factors ... provide a total increase"; "General aggravating factors ... section 8.4."	Draft comparison Draft 8.4; section 9 formulas; Appendix A	The general formula subtracts MF; section 8.4 concerns mitigating factors.	Basis: Contradictory draft passages. Fourteen category paragraphs reverse the stated direction of mitigation and mislabel the cross-reference. Related issue: Calculation / implementation defect.	Source PDF, pp.18,22-23,28-57,60
F042	Section 9.8.5 "Specific aggravating factors ... below" precedes a 0.1 mitigating credit.	Draft comparison Draft 9.8.5 formula	The formula subtracts both general and specific mitigation.	Basis: Definition, citation or reference comparison. The heading sentence labels a reduction as aggravation.	Source PDF, p.40
F043	Section 9.5.4; 9.13.4 Ratios: 1.01-1.50; 1.51-2.5; 2.51-3.5; 3.51+. Deviations: +/-10%; +/-10-20%; +/-20-30%; >30%.	Draft comparison Draft 9.5.4; 9.13.4	Ratios and percentage deviations can have more than two decimal places; boundary values require a single treatment.	Basis: Calculation or workflow instructions. Ratios such as 1.505 fall in no band; 10% and 20% lie in overlapping deviation bands. No rounding rule resolves this. Related issue: Material ambiguity.	Source PDF, pp.34-35,51-52
F044	Section 9.3.1; 9.7.1 Dust includes conveyor and silo emissions; section 9.7 excludes emissions designated as fugitive dust.	State law NAC 445B.075	Quote: "could not reasonably pass through a stack, chimney, vent or a functionally equivalent opening".	Basis: Express statutory or regulatory text. The functional boundary in the definition is omitted, while overlapping equipment examples are used to allocate penalties.	https://www.leg.state.nv.us/NAC/NAC-445B.html
F045	Section 9.3.1 "particulate matter that becomes airborne from the handling, transporting, or storing of any material"	State law NAC 445B.22037(1)	Quote: "in a manner which allows or may allow controllable particulate matter to become airborne".	Basis: Express statutory or regulatory text. The summary deletes "controllable" and the regulatory manner-of-handling test.	https://www.leg.state.nv.us/NAC/NAC-445B.html
F046	Section 9.3.3 "The Division requires an ongoing program using 'best practical methods'" follows all handling/storage examples.	State law NAC 445B.22037(1)-(2)	Paraphrase: subsection (2) applies the ongoing-program duty to construction, repair, demolition, or use of unpaved or untreated areas, subject to subsection (4).	Basis: Express statutory or regulatory text. The draft merges subsection (1)'s general handling rule with subsection (2)'s activity-specific program duty.	https://www.leg.state.nv.us/NAC/NAC-445B.html

ID	Draft section and wording / précis	Authority or factual source	Source text or rule	Basis, explanation and qualifications	Source URL or draft location
F047	Section 9.3; 9.6 SAD discussion Dust-program and SAD summaries do not state the agricultural exception.	Primary state law A01: NAC 445B.22037(4)(a) Federal SIP support A29–A30: approved NAC .22037(1)–(4), PDF p.9. Approval/version details: Authorities.	State rule: NAC 445B.22037(4)(a) excludes agricultural activities occurring on agricultural land from the duties in (2) and (3). These concern an ongoing dust program and a surface-area-disturbance permit. Federal SIP support: the approved NAC version preserves the same exception.	Primary state-law basis: The subsection (4)(a) carve-out is absent from both program and permit discussions. SIP role: Corroborates the same exemption in the federally approved NAC version. Additional support: The same exception omitted from the draft is preserved in the EPA-approved text. Its omission broadens the apparent reach of two different duties, which makes the correction substantive. Limit: Only subsections (2) and (3) are excepted. Subsection (1)'s controllable-particulate prohibition and independently applicable requirements remain. The draft's omission does not legally repeal the exemption. Pilot cross-reference: SIP01.	https://www.leg.state.nv.us/NA C/NAC-445B.html https://www.ecfr.gov/current/titl e-40/chapter-I/subchapter- C/part-52/subpart-DD/section- 52.1470 https://www.epa.gov/system/fil es/documents/2024- 05/nevada-administrative- code-chapter-445b-general- provisions.pdf
F048	Section 9.3; 9.6 SAD discussion No exception is stated for disturbances authorized by the identified reclamation permit.	Primary state law A01: NAC 445B.22037(4)(b) Federal SIP support A29–A30: approved NAC .22037, PDF p.9. Approval/version details: Authorities.	State rule: NAC 445B.22037(4)(b) excludes from (2) and (3) surface disturbances authorized by a permit under NRS 519A.180 on land not less than 5 nor more than 20 acres. Federal SIP support: the approved NAC version preserves both the permit and acreage conditions.	Primary state-law basis: The permit-specific acreage exception is missing. SIP role: Corroborates both conditions of the same exemption. Additional support: Both the ongoing-program and SAD-permit exceptions appear in the approved text. Omitting either the permit condition or acreage condition changes which projects qualify. Limit: The project must satisfy both conditions. Subsection (1) remains applicable. This is not a general exemption for mining or for all reclamation-permitted activity. Pilot cross-reference: SIP01.	https://www.leg.state.nv.us/NA C/NAC-445B.html https://www.ecfr.gov/current/titl e-40/chapter-I/subchapter- C/part-52/subpart-DD/section- 52.1470 https://www.epa.gov/system/fil es/documents/2024- 05/nevada-administrative- code-chapter-445b-general- provisions.pdf
F049	Section 8.2 summary table; 9.6.6 "For SADs ... an extra \$50 ... per acre of planned disturbance."	Primary state law A01: NAC 445B.22037(3)–(4) Federal SIP support A29–A30: approved NAC .22037, PDF p.9. Approval/version details: Authorities.	State rule: NAC 445B.22037(3) requires the permit before disturbing or covering 5 acres or more of land or its topsoil, subject to the agricultural and qualifying mining exceptions in (4). Federal SIP support: the approved NAC version retains that trigger and those exceptions; it does not define the draft's acreage multiplier.	Primary state-law basis: The special penalty does not first establish the permit trigger; "planned disturbance" is also not defined for the multiplier. SIP role: Corroborates the permit trigger and exceptions; does not set the acreage multiplier. Additional support: The approved permit trigger reinforces the need to determine applicability before calculating a SAD penalty. It does not resolve how the draft intends to count planned versus actual disturbance. Limit: The proposed \$50 rate is not independently found unlawful. The material issues are the missing applicability screen and undefined acreage basis; smaller projects may remain subject to other duties. Pilot cross-reference: SIP01.	https://www.leg.state.nv.us/NA C/NAC-445B.html https://www.ecfr.gov/current/titl e-40/chapter-I/subchapter- C/part-52/subpart-DD/section- 52.1470 https://www.epa.gov/system/fil es/documents/2024- 05/nevada-administrative- code-chapter-445b-general- provisions.pdf

ID	Draft section and wording / précis	Authority or factual source	Source text or rule	Basis, explanation and qualifications	Source URL or draft location
F050	Section 9.4; 9.5.1; 9.13 Opacity categories contain no uncombined-water exception.	Primary state law A01: NAC 445B.22017(2) Federal SIP support A29–A30: approved NAC .22017, PDF p.1. Approval/version details: Authorities.	State rule: NAC 445B.22017(2) excludes the portion of opacity consisting of uncombined water. The person claiming the exclusion bears the burden of establishing it. Federal SIP support: the approved NAC version preserves the same exclusion and burden of proof.	Primary state-law basis: The exception and its burden of proof are absent. SIP role: Corroborates the same exclusion and burden of proof. Additional support: The approved SIP preserves both the exclusion and its proof requirement. Omitting them could convert an exempt portion of observed opacity into an apparent exceedance. Limit: The entire plume need not consist of water. Exclude only the established uncombined-water portion, and separately determine any independently applicable permit or federal requirement. Pilot cross-reference: SIP02.	https://www.leg.state.nv.us/NAC/NAC-445B.html https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-52/subpart-DD/section-52.1470 https://www.epa.gov/system/files/documents/2024-05/nevada-administrative-code-chapter-445b-general-provisions.pdf
F051	Section 9.4; 9.5.1; 9.13 No reference to the one-period 27% allowance.	Primary state law A01: NAC 445B.22017(3) Federal SIP support A29–A30: approved NAC .22017, PDF p.1. Approval/version details: Authorities.	State rule: NAC 445B.22017(3) allows an eligible steam generator subject to 40 CFR Part 60, Subpart D or Da one 6-minute period per hour of opacity not exceeding 27%, under the cited federal provisions. Federal SIP support: the approved NAC version preserves this limited allowance.	Primary state-law basis: The source-specific exception is missing from the enforcement categories. SIP role: Corroborates the same limited allowance, subject to source applicability. Additional support: The approved text expressly allows a limited opacity period that the draft's penalty categories do not identify. Source eligibility, duration and percentage must be read together. Limit: Determine whether an independently applicable, more stringent requirement governs the source. This is not a universal 27% opacity limit. Pilot cross-reference: SIP02.	https://www.leg.state.nv.us/NAC/NAC-445B.html https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-52/subpart-DD/section-52.1470 https://www.epa.gov/system/files/documents/2024-05/nevada-administrative-code-chapter-445b-general-provisions.pdf
F052	Section 9.4; 9.5.1; 9.13 Opacity categories cite .22017 without its express .2202 cross-reference.	Primary state law A01: NAC 445B.22017(1); .2202(1)–(4) Federal SIP support A29–A30: approved NAC .22017/.2202, PDF p.1. Approval/version details: Authorities.	State rule: NAC 445B.22017(1) incorporates .2202's four exceptions: specified open burning; observer training with written Commission approval; incinerator emissions under .2207; and stationary diesel warm-up no longer than 15 minutes. Federal SIP support: the approved versions preserve that cross-reference and the four conditional exceptions.	Primary state-law basis: Four enumerated exceptions to the .22017 standard are not carried through. SIP role: Corroborates the cross-reference and all four conditional exceptions. Additional support: The approved cross-reference is part of the standard's applicability. Dropping the referenced exceptions can place conduct governed by an exception or another standard in the general opacity penalty category. Limit: These are exceptions to .22017, not all air requirements. Retain the written-approval, incorporated-rule and warm-up limitations, and identify other applicable standards. Pilot cross-reference: SIP02.	https://www.leg.state.nv.us/NAC/NAC-445B.html https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-52/subpart-DD/section-52.1470 https://www.epa.gov/system/files/documents/2024-05/nevada-administrative-code-chapter-445b-general-provisions.pdf

ID	Draft section and wording / précis	Authority or factual source	Source text or rule	Basis, explanation and qualifications	Source URL or draft location
F053	Section 8.2 summary table; 9.4.6 "per event per valid EPA Method 9 reading"	Primary state law NAC 445B.22017(1)(a) Referenced test method A08: EPA Method 9, §§ 2.4–2.5	Paraphrase: Method 9 records observations at 15-second intervals and ordinarily averages 24 consecutive observations; applicable standards may specify another averaging period.	Basis: Undefined draft counting unit; governing method and permit determine the valid interval.. "Reading" is not distinguished from an individual observation, an averaged result, or an entire observation event. Limit: Not every opacity standard uses the same averaging period; examine the actual incorporated standard and permit.	https://www.leg.state.nv.us/NAC/NAC-445B.html https://www.epa.gov/emc/method-9-visual-opacity
F054	Section 8; 9.4; 9.5; 9.10/9.12; 9.13 Failed Method 9 appears in both 9.4 and 9.5; 9.12 expressly permits concurrent failed-test penalties; CMS overlaps reporting and parameters.	Draft comparison Draft 8 non-duplication instruction and section 9 categories	The draft instructs staff to avoid duplicative assessment but does not map overlapping categories to distinct duties or conduct.	Basis: Calculation or workflow instructions. No rule distinguishes separate legal offenses from the same failure described twice, or category falsification from the general falsification adjustment. Limit: Concurrent penalties can be supportable for distinct offenses; this is an implementation gap, not a categorical bar to concurrency.	Source PDF, pp.18,21-22,28,32,34,45,49,51
F055	Section 9.6.1; 9.6.3 Any units, systems, or facilities constructed or operated without an issued permit are covered. Section 9.6.3 adds: "the agency inventories emissions from all emission units".	Primary state law A01: NAC 445B.287–.288 Federal SIP support A29/A32: approved .287 (excluding (1)(d) and (4)(b)) and .288, PDF pp.1–4. Versions: Authorities.	State rule: NAC .287 preserves .288's source and insignificant-activity exemptions. Apply .288's conditions, Title V and federal-rule limitations, and retained operating duties. Federal SIP support: approved .287/.288 independently confirm that a permit duty is not universal. The approved versions and exclusions, including specified logs and major-source counting rules, must be checked separately.	Factual Premise Audit P32: Overstated. Primary state-law basis: The category does not first determine whether the facility or activity is required to have a permit. The "all" rationale reinforces the omitted applicability limits. SIP role: Additional federal support; apply the approved version and scope separately. Additional support: The approved SIP independently corroborates that a permit duty is not universal. A duty to inventory a unit's emissions does not itself establish that the unit must obtain a permit. Limit: Apply the particular version and all .288 conditions. The approved text contains specific wood-heater, asbestos-only and normal-farm-equipment categories, conditional insignificant activities, and a mercury-thermal-unit limitation. Permit exemptions do not erase other operational duties. Pilot cross-reference: SIP03.	https://www.leg.state.nv.us/NAC/NAC-445B.html https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-52/subpart-DD/section-52.1470 https://www.epa.gov/system/files/documents/2021-12/nac-chapter-445b-operating-permits-provisions.pdf
F056	Section 9.6.1 A submitted application without an issued permit is included, subject only to authorized construction.	State law NAC 445B.3473(3)-(4)	Paraphrase: a Class II source submitting the prescribed timely renewal application may continue operating under the existing permit until renewal or denial.	Basis: Express statutory or regulatory text. The draft does not distinguish a new construction application from a timely renewal of an existing permit.	https://www.leg.state.nv.us/NAC/NAC-445B.html

ID	Draft section and wording / précis	Authority or factual source	Source text or rule	Basis, explanation and qualifications	Source URL or draft location
F057	Section 8.2 summary table; 9.6.6; 9.8.6 Months run from construction until permit issuance/removal, or earliest missing control until installation/permit removal.	State law NAC 445B.227; NRS 445B.640(1) Source-specific authority to identify Applicable construction/operation rule or permit	Paraphrase: .227 prohibits operation without required installed and operating controls; the statute limits fines by days of violation.	Basis: Authority, permit or legal determination needed. The draft does not tie every charged period to the specific construction, operation, installation-deadline, or continuing duty alleged. Limit: Some construction or other continuing violations can persist during shutdown. Cessation must be evaluated against the specific duty, not assumed to end every violation.	https://www.leg.state.nv.us/NAC/NAC-445B.html https://www.leg.state.nv.us/NRS/NRS-445B.html
F058	Section 9.8.1 "Any instance" of installation inconsistent with manufacturer specifications is included.	State law NAC 445B.227; .275(1) Source-specific authority to identify Applicable rule or permit	Paraphrase: these provisions require applicable controls and compliance with actual regulatory and permit duties; they do not make every manufacturer recommendation independently enforceable.	Basis: Authority, permit or legal determination needed. The second sentence lacks the first sentence's connection to a specified legal or permit requirement.	https://www.leg.state.nv.us/NAC/NAC-445B.html
F059	Section 9.7.2; 9.8.2 Both lists cite only NAC 445B.275.	State law NAC 445B.227	Paraphrase: except as otherwise provided in .001-.390, required controls must be installed and operating; the rule also addresses disconnecting, altering, modifying or removing controls and modifying required procedures.	Basis: Definition, citation or reference comparison. The general violations provision is substituted for the more specific equipment rule and its boundaries.	https://www.leg.state.nv.us/NAC/NAC-445B.html
F060	Section 9.9.6 "24-Hour or 15-Day Post Notification of Excess Emission"	State law NAC 445B.232(4)-(5)	Paraphrase: (4) requires 24-hour notice for malfunction, upset, startup or shutdown; (5) separately requires a 15-day report and also covers human error.	Basis: Express statutory or regulatory text. "Or" merges distinct deadlines and triggers into an apparent choice, omitting human error's distinct treatment. Related issue: Altered reporting obligations.	https://www.leg.state.nv.us/NAC/NAC-445B.html
F061	Section 9.9.2; 9.9.6 The only scheduled-work row is "30-Day Scheduled Maintenance Notification".	State law NAC 445B.232(1)-(3)	Paraphrase: advance approval applies to excess emissions from scheduled maintenance, testing or repairs; maintenance/testing notice is 30 days before, repairs notice is 24 hours before.	Basis: Express statutory or regulatory text. The table drops the separate repair deadline and does not state that notice alone is not approval.	https://www.leg.state.nv.us/NAC/NAC-445B.html
F062	Section 9.9.6 "30-Day anticipated initial start-up notification"	State law NAC 445B.250(2)	Quote: "not more than 60 days nor less than 30 days before" the anticipated initial startup date.	Basis: Competing or incomplete draft readings. A permitted 30-to-60-day window is replaced by an unqualified 30-day label.	https://www.leg.state.nv.us/NAC/NAC-445B.html
F063	Section 9.9.6 "30-Day Construction Notification" without applicability conditions.	State law NAC 445B.250(1); 445B.005	Paraphrase: subsection (1) concerns commencement of construction or reconstruction of an affected facility, with notice postmarked within 30 days after commencement.	Basis: Express statutory or regulatory text. The table omits the affected-facility trigger, reconstruction, and the "after" direction.	https://www.leg.state.nv.us/NAC/NAC-445B.html

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F064	Section 9.9.6 The construction-notice row has no exception.	State law NAC 445B.250(1)	Quote: "This requirement does not apply to a facility which is mass-produced and purchased in a completed form."	Basis: Express statutory or regulatory text. The explicit exception to the commencement notification is missing.	https://www.leg.state.nv.us/NAC/NAC-445B.html
F065	Section 9.9.2; 9.9.6 The draft cites the CMS-demonstration notice section, but provides no corresponding table row.	State law NAC 445B.250(4)	Paraphrase: notice of a CMS performance demonstration must be provided not less than 30 days before it commences.	Basis: Competing or incomplete draft readings. An expressly cited notice category is left to an undefined "Other" row. Limit: The table says it is illustrative; this is a completeness/clarity gap, not a legal repeal of the omitted duty.	https://www.leg.state.nv.us/NAC/NAC-445B.html
F066	Section 9.9.6 "15-Day Deviation Report"	State law NAC 445B.3405(1)(e); .346(3); .232(5) Source-specific authority to identify Actual permit	Paraphrase: the general Class I/II permit provisions call for prompt deviation reporting; .232(5) has a distinct 15-day excess-emissions report.	Basis: Authority, permit or legal determination needed. The table does not identify the permit or regulation that creates a 15-day deadline for the deviation at issue. Limit: A 15-day deadline may be valid in an individual permit; obtain that permit before asserting a specific violation or error.	https://www.leg.state.nv.us/NAC/NAC-445B.html
F067	Section 9.9; 9.10; 9.13; 9.16 Excess-emission and failed-limit categories do not address the routine startup/shutdown determination.	Primary state law A01: NAC 445B.233(1)–(3) Different federal SIP versions A29/A30: older NAC 445.667 and NAQR 2.5.4, PDF pp.24–25; see Authorities. Historical proposal only A33: 71 FR 75690; not a final removal.	State rule: NAC 445B.233 requires a no-violation determination when all specified routine-production startup/shutdown, minimization and process conditions are met. Misrepresentation or failure to disclose known facts defeats this treatment. Subsection (3) preserves ambient-standard obligations and specified state/federal authorities. Federal version distinction: the SIP lists older NAC 445.667 and NAQR 2.5.4, not current .233 under that citation. The older upset provision addresses Director-determined unavoidable events not resulting from careless or marginal operation. Historical proposal: A33 does not establish that those older provisions were finally removed.	Primary state-law basis: The state rule's conditional mandatory determination and disclosure limitation are missing from the enforcement sequence. SIP role: Version distinction only. The current state-law omission remains the finding; the older SIP text requires separate federal analysis. A33 is a historical proposal, not proof of a completed revision. Additional support: The state-law omission remains the finding. The pilot adds a material version distinction: current .232–.233 are not listed under those citations in the federal approval table. Do not present the state provision as identical SIP language. Limit: No blanket startup/shutdown immunity is established. Identify the precise limit, applicable program, Director finding and approval history. The 2006 proposal alone does not remove the older provisions still listed in the current SIP. Their interaction with later federal law remains a separate legal question. Pilot cross-reference: SIP10.	https://www.leg.state.nv.us/NAC/NAC-445B.html https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-52/subpart-DD/section-52.1470 https://www.epa.gov/system/files/documents/2024-05/nevada-administrative-code-chapter-445b-general-provisions.pdf https://www.govinfo.gov/content/pkg/FR-2006-12-18/pdf/E6-21500.pdf

ID	Draft section and wording / précis	Authority or factual source	Source text or rule	Basis, explanation and qualifications	Source URL or draft location
F068	Section 8.2 summary table; 9.10.1; 9.10.6 Violation deemed to run "since the day after the last valid source test with passing results" until the next passing test.	State law NAC 445B.252; NRS 445B.640(1)	Paraphrase: .252 specifies testing procedures; .640 limits fines by days of violation. Neither cited provision states the draft's automatic backward-and-forward interval.	Basis: Authority, permit or legal determination needed. A failed snapshot is turned into a conclusive duration rule, including time before the failure and after corrective measures. Limit: A test and other evidence may support an inference of continuing violations. The concern is treating the interval as automatic or irrebuttable.	https://www.leg.state.nv.us/NA C/NAC-445B.html https://www.leg.state.nv.us/NRS/NRS-445B.html
F069	Section 9.10.1 Failed test includes stopping "due to potentially failing results".	State law NAC 445B.252(3), (5) Source-specific authority to identify Applicable test method and emission standard	Paraphrase: compliance testing uses prescribed conditions and generally the arithmetic mean of at least three runs, with a Director-approved two-run option for specified disruptions.	Basis: An incomplete test does not itself supply a valid averaged exceedance result.. An incomplete or stopped test is classified as an emission-limit failure without the required valid result. Related issue: Unproven factual inference.	https://www.leg.state.nv.us/NA C/NAC-445B.html
F070	Section 9.10; 9.12 Stopping a test and departures from normal throughput are covered without the detailed testing exceptions.	Primary state law A01: NAC 445B.252(3), (5) Federal SIP support A29/A30: approved .252(3), (5), PDF p.27. Approval/version details: Authorities.	State rule: NAC .252(3) requires representative conditions specified by the Director; startup, shutdown and malfunction are not representative unless the applicable standard provides otherwise. Under (5), qualifying disruption can permit a result based on the mean of two valid runs with Director approval. Federal SIP support: approved .252(3), (5) preserve these conditions and the conditional two-run exception.	Primary state-law basis: The operational and disruption qualifications are absent from categories that otherwise penalize interrupted or atypical testing. SIP role: Corroborates representative conditions and the conditional two-run exception. Additional support: The approved SIP reinforces the need to preserve these testing conditions. The draft expressly targets stopping because of potentially failing results and already recognizes Division preapproval in §9.12.1; the concern is the missing detailed boundary, not proof that every interrupted test is penalized. Limit: The two-run exception requires approval and qualifying circumstances, such as forced shutdown, irreplaceable sampling-train failure or extreme weather. It does not authorize stopping to avoid failure. No particular test's validity or penalty outcome is adjudicated here. Pilot cross-reference: SIP06.	https://www.leg.state.nv.us/NA C/NAC-445B.html https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-52/subpart-DD/section-52.1470 https://www.epa.gov/system/files/documents/2024-05/nevada-administrative-code-chapter-445b-general-provisions.pdf
F071	Section 9.12.1 Reducing typical throughput or stopping when failure is suspected is included in "Falsification or Manipulation".	State law NAC 445B.252(3); NRS 445B.470(1),(3)	Paraphrase: the Director specifies representative testing conditions; criminal falsification concerns knowing material falsehoods or rendering monitoring inaccurate, with a specified burden and knowledge standard.	Basis: Authority, permit or legal determination needed. The draft does not distinguish method noncompliance, intentional manipulation, and the elements of a criminal falsification allegation. Limit: Civil noncompliance need not satisfy the criminal statute. The draft should make that distinction explicit.	https://www.leg.state.nv.us/NA C/NAC-445B.html https://www.leg.state.nv.us/NRS/NRS-445B.html

ID	Draft section and wording / précis	Authority or factual source	Source text or rule	Basis, explanation and qualifications	Source URL or draft location
F072	Section 8.2 summary table; 9.10.6 "failed for PM2.5 by 236%" followed by multiplier 2.36.	Draft comparison Draft 9.10.6 arithmetic	236% of a limit is a ratio of 2.36; exceeding a limit by 236% is a ratio of 3.36.	Basis: Calculation or workflow instructions. The words and arithmetic describe different exceedances. Related issue: Internal contradiction.	Source PDF, p.45
F073	Section 8.2 summary table; 9.10.6-.7 "There are no base multipliers ... per failed pollutant up to 120%"; above 120%, multiplier is per failed pollutant and ratio.	Draft comparison Draft 9.10.6-.7	Section 9.10.7 separately caps each failed pollutant per test event.	Basis: Calculation or workflow instructions. It is unclear whether each pollutant always receives a base penalty and how the 120% boundary changes the calculation.	Source PDF, pp.45-46
F074	Section 9.11.2 Only .275 is cited despite covering additional Division-ordered testing and regulatory deadlines.	State law NAC 445B.252(1),(2),(9)	Paraphrase: .252 states testing times and Director authority, permits specified changes/waivers, and restricts alternatives for identified federal testing requirements.	Basis: Definition, citation or reference comparison. The category omits the rule needed to establish when testing is due and whether an approved change applies.	https://www.leg.state.nv.us/NAC/NAC-445B.html
F075	Section 9.13.3 "they require daily calibration and quarterly audits" applies to CEMS, COMS, and CPMS collectively.	Primary state law A01: NAC 445B.256; .258-.261 Federal/source-specific requirements A21: 40 CFR 63.8(c)(6), if applicable; incorporated federal rule and permit. Federal SIP support A29/A30: approved .256/.261, PDF pp.28, 32; see Authorities.	State rule: NAC .261 requires zero/span drift checks at least daily using the manufacturer's procedure, with adjustment when specified drift limits are exceeded. Shorter manufacturer intervals apply. Other applicable rules: 40 CFR 63.8(c)(6) distinguishes CPMS calibration/response checks from other CMS drift checks; applicability must be established. Federal SIP support: approved .256/.261 corroborate the distinction between checks and recalibration. These provisions do not impose one quarterly-audit schedule on all CMS types.	Factual Premise Audit P42: Contradicted. Primary state-law basis: A collective technical description substitutes one schedule for system-specific duties. Daily drift or response checks do not necessarily require full recalibration; the cited Nevada range does not itself impose universal quarterly audits. SIP role: Corroborates the check/adjustment distinction; does not establish a universal audit schedule. Additional support: The approved SIP supports the distinction between checking drift and recalibrating. Neither the cited Nevada range nor .261 supplies a universal quarterly-audit duty for all CEMS, COMS and CPMS. Limit: Other applicable federal rules, specifications or permits may require particular calibrations or quarterly audits. Determine the source's governing requirement; the finding does not assert that quarterly audits are never required. Pilot cross-reference: SIP07.	https://www.leg.state.nv.us/NAC/NAC-445B.html https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-63/subpart-A/section-63.8 https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-52/subpart-DD/section-52.1470 https://www.epa.gov/system/files/documents/2024-05/nevada-administrative-code-chapter-445b-general-provisions.pdf
F076	Section 9.13.1 "excessive CMS downtime or out-of-control periods" without identifying allowable periods or valid data.	State law NAC 445B.263; 445B.264(1)-(3)	Paraphrase: continuous operation is subject to system breakdown, repair, calibration-check and zero/span-adjustment exceptions; specified affected data are excluded from averages.	Basis: Express statutory or regulatory text. The category does not preserve exceptions or define which data and averaging periods establish an exceedance.	https://www.leg.state.nv.us/NAC/NAC-445B.html

ID	Draft section and wording / précis	Authority or factual source	Source text or rule	Basis, explanation and qualifications	Source URL or draft location
F077	Section 9.13.2 "NAC 445B.256 - 265 Monitoring systems."	State law NAC 445B.267	Paraphrase: .267 provides a written-application mechanism for alternative monitoring requirements or procedures, subject to stated limitations.	Basis: Definition, citation or reference comparison. The cited range ends before the alternative-procedure provision.	https://www.leg.state.nv.us/NAC/NAC-445B.html
F078	Section 9.14.1 All access is described as "during normal business hours".	State law NAC 445B.315(3)(j)(2)-(4); NRS 445B.240(1); 445B.580(1)	Paraphrase: normal business hours applies to records access/copying; inspection and sampling use reasonable times; permit holders agree to unannounced inspection during hours of operation.	Basis: Express statutory or regulatory text. The narrower records standard is transplanted to physical inspections, while other statutory timing language disappears.	https://www.leg.state.nv.us/NAC/NAC-445B.html https://www.leg.state.nv.us/NRS/NRS-445B.html
F079	Section 9.14.1 Any refusal of Division access is covered without a credentials condition.	State law NRS 445B.240(2); NAC 445B.315(3)(j)	Paraphrase: .240(2)'s refusal prohibition concerns an authorized officer or employee presenting appropriate credentials; .315 likewise conditions entry on credentials.	Basis: Express statutory or regulatory text. An express condition of the cited access authority is not stated.	https://www.leg.state.nv.us/NRS/NRS-445B.html https://www.leg.state.nv.us/NAC/NAC-445B.html
F080	Section 9.14.1 The category includes denied access to unpermitted equipment and cites NRS 445B.580.	State law NRS 445B.580(2); 445B.240	Paraphrase: for an unpermitted source, .580(2) provides inspection authority and permits applying to a magistrate for a warrant on probable cause, before attempted entry or after refusal.	Basis: Competing or incomplete draft readings. The specific statutory process is not explained alongside the broad access statement. Limit: This does not assert an unconditional right to refuse entry: .240 independently prohibits specified refusals and must also be applied.	https://www.leg.state.nv.us/NRS/NRS-445B.html
F081	Section 8.2; 9.14.6 \$10,000 "per day until access is granted" for whole-facility denial.	State law NRS 445B.240; 445B.580; 445B.640(1)	Paraphrase: each day of a proven violation is a separate offense, subject to the lawful access conditions.	Basis: Authority, permit or legal determination needed. No rule identifies when a denied request remains pending, how access can be offered, or what evidence supports later days.	https://www.leg.state.nv.us/NRS/NRS-445B.html
F082	Section 9.15.2-.3 The schedule discussion cites .3368 but not .273 and treats orders only as routes back to compliance.	State law NAC 445B.273(1)-(4)	Quote: "Existing stationary sources are in compliance with those sections and may continue to operate under the provisions of their approved compliance schedules"; schedules may be amended.	Basis: Express statutory or regulatory text. The express status of sources complying with approved schedules is omitted; .3368 is a Class I application provision, not a substitute. Limit: This does not excuse a missed schedule milestone or independently applicable federal requirement.	https://www.leg.state.nv.us/NAC/NAC-445B.html
F083	Section 9.15 Stop-order compliance is listed without the procedure for seeking revocation.	State law NAC 445B.277(3)(b)	Paraphrase: application for revocation may be made at any time; the Director must withdraw the order promptly if the reason no longer exists, or give written reasons within 24 hours.	Basis: Competing or incomplete draft readings. The draft omits a specific procedural protection adjacent to its stop-order enforcement summary.	https://www.leg.state.nv.us/NAC/NAC-445B.html

ID	Draft section and wording / précis	Authority or factual source	Source text or rule	Basis, explanation and qualifications	Source URL or draft location
F084	Section 9.16.1-.3 "a regulation in NAC 445B ... any applicable federal rule ... or law under NRS 445B"	State law NRS 445B.640(1); NAC 445B.200; 445B.221	Paraphrase: .640 identifies statutory ranges and exclusions; .221 incorporates specified federal provisions and versions with exceptions; chapter 445B also covers programs outside stationary-source air permits.	Basis: Authority, permit or legal determination needed. The catch-all does not require identification of the state authority, incorporated version, retained federal authority, or applicable exception for the charged provision. Limit: Some federal duties are enforceable through permits or other authority; the issue is failure to identify that authority, not denial of all federal-rule enforcement.	https://www.leg.state.nv.us/NAC/NAC-445B.html https://www.leg.state.nv.us/NRS/NRS-445B.html
F085	Section 10.1.1; 10.1.4 Renewal fees and administrative fines are included, followed by a blanket 25% late-penalty statement.	State law NAC 445B.327(12); 445B.3689(4)	Quote: "does not pay his or her annual fee installments within 30 days"; the late penalty is in addition to annual fees.	Basis: Express statutory or regulatory text. The surcharge's annual-fee limitation is omitted and linked to a broader list of debts. Related issue: Combined debt categories.	https://www.leg.state.nv.us/NAC/NAC-445B.html
F086	Section 10.1.4 "a late fee payment already incurs ... 25 percent"	State law NAC 445B.327(12); 445B.3689(4)	Quote: "within 30 days after the date on which payment becomes due".	Basis: Express statutory or regulatory text. The draft describes a surcharge on any late payment rather than the specified 30-day trigger. Related issue: Expanded temporal scope.	https://www.leg.state.nv.us/NAC/NAC-445B.html
F087	Section 10.1.4 The 25% late-penalty summary contains no exception.	State law NAC 445B.327(12); 445B.3689(4)	Quote: "does not apply if ... the owner or operator is in negotiations with the Director concerning his or her annual fees" at the assessment time.	Basis: Express statutory or regulatory text. The express exception to the late penalty is missing. Related issue: Expanded surcharge applicability.	https://www.leg.state.nv.us/NAC/NAC-445B.html
F088	Section 10.1.4 Nonpayment "will result" in administrative termination "after a certain length of time and proper notification".	State law NAC 445B.325(2)-(3); NAC 445B.890; NRS 445B.360	Paraphrase: the Director may terminate for cause; at least 30 days' certified-mail notice must state legal authority, jurisdiction and reasons, with applicable appeal rights.	Basis: Express statutory or regulatory text. "May" becomes "will", and a defined notice process becomes an unspecified interval. Related issue: Procedural conditions omitted.	https://www.leg.state.nv.us/NAC/NAC-445B.html https://www.leg.state.nv.us/NRS/NRS-445B.html
F089	Section 10.1.1-.3 The funding explanation follows a category that includes administrative fines.	State law NRS 445B.640(5); NAC 445B.327; 445B.3689	Quote: money collected from administrative fines under .640 "must be deposited in the State Treasury for credit to the State Education Fund".	Basis: Competing or incomplete draft readings. The draft implies that all listed payments finance Division operations without distinguishing fine disposition.	https://www.leg.state.nv.us/NRS/NRS-445B.html https://www.leg.state.nv.us/NAC/NAC-445B.html
F090	Section 10.1 Administrative fines are included under "Nonmonetary Penalties" but only a surcharge and permit termination are described.	State law NRS 445B.640(4)	Paraphrase: nonpayment of an administrative fine within 30 days after imposition is a misdemeanor, except where a court finds the person indigent.	Basis: Express statutory or regulatory text. The specific fine-nonpayment provision, timing, and exception disappear into the fee summary. Limit: This is a correction to a stated consequence summary, not a recommendation to pursue criminal enforcement.	https://www.leg.state.nv.us/NRS/NRS-445B.html

ID	Draft section and wording / précis	Authority or factual source	Source text or rule	Basis, explanation and qualifications	Source URL or draft location
F091	Section 10.1.2 The listed fee authority is only NAC 445B.327.	State law NAC 445B.3689(2)-(4); 445B.275(1)(f)	Paraphrase: .3689 separately governs mercury-unit annual maintenance fees and includes its own 30-day surcharge trigger and negotiations exception.	Basis: Definition, citation or reference comparison. Mercury is a separate source column throughout the draft, but its fee authority is omitted here.	https://www.leg.state.nv.us/NAC/NAC-445B.html
F092	Section 9.5.4; 9.8.5; 9.13.4; Appendix A The worksheet lists only general AF/MF components.	Draft comparison Draft 9.5.4; 9.8.5; 9.13.4	The category formulas add specific ratio-based aggravation or the 0.1 control-equipment mitigation.	Basis: Calculation or workflow instructions. No worksheet field or instruction records these separately specified adjustments.	Source PDF, pp.34,40,51,60
F093	Section Appendix A "Gravity Component ... = #VALUE!"; facility placeholder reads "Facility Name".	Draft comparison Draft Appendix A	A usable example should show either a correct worked numeric result or clearly labeled empty input fields.	Basis: Error value visible in PDF; underlying editable formula not supplied.. The PDF exposes an unresolved spreadsheet error in its only calculation example. Limit: The PDF does not contain editable formulas; the original workbook is needed to identify the underlying spreadsheet error. Related issue: Editorial placeholder error.	Source PDF, p.60
F094	Section 5.2 Engineering tests "will only be considered for violations if they were not properly noticed as required by the compliance branch"; results may prompt investigation.	State-law context A01: NAC 445B.063; .252(4); .275(1) Guidance and authority still needed A20: EPA stack testing guidance; actual permit or test order. Federal SIP support A29/A31: .063, PDF p.12; A29/A30: .252(4), PDF p.27; see Authorities.	State-law context: NAC .063 preserves credible evidence relevant to excess-emissions determinations. Section .252(4) requires 30-day advance notice and a testing procedure for covered performance tests. It does not define every engineering test or give noticed tests categorical immunity. Guidance: A20 provides context on testing and compliance evidence. The applicable permit or test order remains necessary. Federal SIP support: approved .063 and .252(4) reinforce the same evidentiary and notice questions; they do not settle the draft's discretionary policy.	Factual Premise Audit P13: Policy choice needing explanation. Primary state-law basis: Notice can facilitate oversight, but notice alone does not determine technical reliability. The reason and boundary for treating otherwise relevant engineering-test results differently are unexplained. SIP role: Adds federal context to an unresolved policy/authority question; no new SIP violation is established. Additional support: The SIP comparison sharpens the explanation needed: notice duties, evidence reliability, proof of a violation and enforcement priorities are separate questions. Notice status alone does not establish technical reliability. Limit: The draft allows further compliance investigation. Legitimate enforcement discretion remains possible. This finding remains an unresolved policy and authority question, not a newly established SIP violation. Pilot cross-reference: SIP05.	https://www.leg.state.nv.us/NAC/NAC-445B.html https://www.epa.gov/sites/default/files/2013-09/documents/stacktesting_1.pdf https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-52/subpart-DD/section-52.1470 https://www.epa.gov/system/files/documents/2024-05/nevada-administrative-code-chapter-445b-general-provisions.pdf https://www.epa.gov/system/files/documents/2024-05/nevada-administrative-code-chapter-445b-definitions.pdf
F095	Section 3.1 "The Clean Air Act, which was last amended in 1990".	Primary historical evidence A09: enacted Clean Air Act amendments: 42 USC 7436; Pub. L. 117-169 § 60113; Pub. L. 119-21 § 60012(b)	Paraphrase: section 136 was added in August 2022 and amended in July 2025, as shown in the official U.S. Code source and amendment notes.	Factual Premise Audit P02: Contradicted. Existing finding confirmed. Basis: Official U.S. Code records a 2022 addition and a 2025 amendment.. The Act has been amended after 1990.	https://uscode.house.gov/view.xhtml?req=%28title%3A42+section%3A7436+edition%3Aprelim%29

ID	Draft section and wording / précis	Authority or factual source	Source text or rule	Basis, explanation and qualifications	Source URL or draft location
F096	Section 8.4; 9.8.5; Appendix A Section 8.4 caps combined effort/self-reporting mitigation at 0.5; section 9.8.5 adds a specific 0.1 credit.	Draft comparison Draft 8.4; 9.8.5	The category formula subtracts MF _{general} + MF _{specific} ; the general prose says no penalty is reduced by more than 0.5 when both general factors apply.	Basis: Competing or incomplete draft readings. The relationship between the general-factor cap and the extra category credit is not stated. Limit: A 0.6 total may be the intended policy. The issue is ambiguity in the cap's scope, not an independently prescribed statutory percentage. Related issue: Calculation / implementation defect.	Source PDF, pp.22,40,60
F097	Section 9.3.3 (context: 9.3.1) Quote: "When fugitive dust becomes airborne, the Division cannot verify that the facility is in compliance with air regulations due to the emissions being fugitive which are not accounted for in air permit modeling."	Primary factual evidence A15: NDEP Class II guidance, p.25 (PDF p.29); A16: Painted Rock handout, p.1. Technical support A14: NDEP 2008 guidelines, p.10; A12: AP-42 §§13.2.1–13.2.5; A13: AERMOD §§3.3.2.2–3.3.2.7. Regulatory context A01/A17: NAC .310–.311; Appendix W §4.2.3.6(c). Federal SIP support A29/A32: .310–.311, PDF pp.14–21; see Authorities.	Factual evidence: NDEP's 2026 application guidance requests process-fugitive release dimensions and AERMOD files. The Painted Rock handout documents modeled process fugitives. AP-42 estimates emissions; AERMOD models dispersion. Regulatory context: NAC .310–.311 provide conditional evaluation/modeling requirements. Federal SIP support: approved .311 includes point, area or volume source characterization without a blanket fugitive-PM exclusion. Under approved .310(2), an exemption for a Class II applicant transfers the environmental evaluation to the Director; it does not eliminate it.	Factual Premise Audit P29: Contradicted. Primary factual basis: The blanket statement is contradicted by documented modeling of process fugitive emissions, including activities listed in draft §9.3.1. The draft does not literally claim that no models exist. SIP role: Additional regulatory context. Documented modeling establishes the factual contradiction; no universal dust-modeling duty is inferred. Additional support: The factual error remains established by documented process-fugitive modeling. The SIP supplies additional context: .311 contains no blanket fugitive-PM exclusion, and the Class II applicant exception transfers evaluation work to the Director. It does not eliminate the evaluation. Limit: NDEP's Painted Rock handout excludes some other dust, so inclusion remains source-specific. Apply .310's triggers and .311's qualifications, including the specified NO ₂ /SO ₂ exceptions and incorporated model version. Whether a particular exclusion is lawful requires its permit, inventory, protocol and agency rationale. Neither universal dust modeling nor proof of every dust-control duty is asserted. Pilot cross-reference: SIP09.	https://www.leg.state.nv.us/NA/C/NAC-445B.html https://www.epa.gov/air-emissions-factors-and-quantification/ap-42-fifth-edition-volume-i-chapter-13-miscellaneous-0 https://gaftp.epa.gov/Air/aqmg/SCRAM/models/preferred/aermod/aermod_userguide.pdf https://ndep.nv.gov/uploads/air-permitting-docs/general-air-modeling-guidelines.pdf https://ndep.nv.gov/uploads/air-permitting-docs/Class_2_AQOP_Application_Guidance_Document_%28Updated_260813%29.pdf https://ndep.nv.gov/uploads/air-permitting-docs/251105_A2342_AP1442-4782_Handout.pdf https://www.govinfo.gov/content/pkg/CFR-2023-title40-vol2/pdf/CFR-2023-title40-vol2-part51-appW.pdf https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-52/subpart-DD/section-52.1470 https://www.epa.gov/system/files/documents/2021-12/nac-chapter-445b-operating-permits-provisions.pdf

ID	Draft section and wording / précis	Authority or factual source	Source text or rule	Basis, explanation and qualifications	Source URL or draft location
F098	Section 3.1 table Quote: "At slightly higher levels, exposure may lead to coughing, respiratory tract irritation, and loss of smell"	Primary factual evidence A23: ATSDR 2016 profile, §§2.1–2.2 and 3.2.1.2. A22: ATSDR medical guidance (continued-exposure fatigue).	Reference: 0.001 ppm (1 ppb); urban air is generally lower, but local levels vary. Odor: 0.0005–0.3 ppm (0.5–300×). Respiratory evidence: hospital-visit associations used a ≥0.03 ppm, 30-minute rolling-average cutoff (≥30×; other pollutants limit attribution). At 2 ppm for 30 minutes (2,000×), 2/10 asthmatics showed suggestive airway changes; group changes were not significant. Olfactory paralysis may prevent smelling H ₂ S at ≥100 ppm (≥100,000×). Ratios compare concentrations, not risk; these are not universal effect thresholds.	Factual Premise Audit P10: Overstated. Undefined "low," "slightly higher" and "moderate" exposure levels leave materially different readings of the health-risk rationale. Limit: Continued lower exposure can also produce olfactory fatigue. This finding sets no universal threshold and does not dispute that hydrogen sulfide can harm health. Related: F007 separately addresses placement of hydrogen sulfide in the NAAQS discussion.	https://wwwn.cdc.gov/TSp/MMG/MMGDetails.aspx?mmgid=385&toxid=67 https://www.atsdr.cdc.gov/toxprofiles/tp114.pdf https://www.ncbi.nlm.nih.gov/books/NBK591600/ https://www.ncbi.nlm.nih.gov/books/NBK591602/
F099	Section 3.2; definitions; 8.3.4 Page 8: "are chemicals that are known to cause cancer, respiratory issues, and other serious health problems." Page 10 uses "known or suspected." Page 22 applies the HAP factor.	Primary factual evidence A24: EPA health effects of hazardous air pollutants Draft comparison D01: pp.8, 10, 22	EPA includes substances with known or suspected cancer or other serious effects. Risk depends on sufficient exposure concentration and duration.	Factual Premise Audit P11: Overstated. The page 8 categorical wording removes EPA's qualification and differs from the draft's own definition. The audit calls this an overstatement; the register classifies the inaccurate affirmative description as an error of fact. Limit: Hazard identification can support preventive policy without proof of actual injury. This finding does not dispute every HAP-related penalty. Related: F010 concerns the separate legal identification of HAPs.	https://www.epa.gov/haps/health-and-environmental-effects-hazardous-air-pollutants

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F100	Section 9.1.3, 9.1.5; 9.2.3; 9.13.3 Page 26: “it is impossible to know whether a facility is exceeding or deviating from permit limits and conditions”. Page 26 also permits “an alternative demonstration of compliance at time of inspection”. Similar inability claims appear on pp.25, 28 and 51.	Primary factual evidence A20: EPA stack testing guidance; A28: EPA monitoring compliance. Draft comparison D01: §9.1.5 permits an alternative compliance demonstration. State-law support A01: NAC .063; .252(2)(d). Federal SIP support A29/A31: .063, PDF p.12; A29/A30: .252(2)(d), PDF p.27; see Authorities.	Factual evidence: testing and other compliance information can provide alternative evidence; the draft itself permits an alternative compliance demonstration in §9.1.5. State-law support: NAC .063 preserves credible evidence relevant to whether the source would have complied if the appropriate test or procedure had been performed. Section .252(2)(d) permits a test waiver when other means demonstrate compliance to the Director’s satisfaction. Federal SIP support: approved .063 and .252(2)(d) retain those evidentiary provisions.	Factual Premise Audit P26: Contradicted. Primary factual basis: Available alternative evidence, including the draft’s own mitigation provision, contradicts the universal inability claim. Missing information may still leave a real evidentiary gap. SIP role: Corroborates the availability of credible evidence; does not cure a separate missing-record or testing violation. Additional support: These approved provisions reinforce the contradiction between the draft’s universal inability-to-know claim and the availability of relevant alternative evidence. The draft itself allows mitigation for an alternative compliance demonstration. Limit: Evidence must be credible, relevant and sufficient for the particular requirement and period. It does not cure a separate recordkeeping, reporting or monitoring failure, or excuse a required test without an authorized waiver. Pilot cross-reference: SIP04.	https://www.leg.state.nv.us/NAC/NAC-445B.html https://www.epa.gov/sites/default/files/2013-09/documents/stacktesting_1.pdf https://www.epa.gov/compliance/monitoring-compliance https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-52/subpart-DD/section-52.1470 https://www.epa.gov/system/files/documents/2024-05/nevada-administrative-code-chapter-445b-general-provisions.pdf https://www.epa.gov/system/files/documents/2024-05/nevada-administrative-code-chapter-445b-definitions.pdf
F101	Section 9.4.3; 9.5.3 Page 32: “It ensures that facilities are meeting permit conditions.” Page 34 describes operating parameters as compliance surrogates, but later correctly describes only a “potential” emission-limit exceedance.	Primary factual evidence A18: EPA monitoring overview; A19/A08: Method 9, introduction and §§1–2; A27: EPA emission-factor limitations	Opacity describes light attenuation. Operating parameters can indicate control performance. A reliable relationship is needed before treating a surrogate as proof of a different emission quantity.	Factual Premise Audit P31: Overstated. The unqualified assurance is broader than what an individual indicator establishes. The later “potential” wording should guide a consistent description. Limit: An applicable opacity or parameter limit remains independently enforceable. Some permits establish valid surrogate relationships. Related: F050–F054 address separate opacity and parameter instructions.	https://www.epa.gov/air-emissions-monitoring-knowledge-base/basic-information-about-air-emissions-monitoring https://www.epa.gov/sites/production/files/2017-08/documents/method_9.pdf https://www.epa.gov/air-emissions-factors-and-quantification/basic-information-air-emissions-factors-and-quantification

ID	Draft section and wording / précis	Authority or factual source	Source text or rule	Basis, explanation and qualifications	Source URL or draft location
F102	Section 9.7.3; 9.8.3; 9.8.5 Quote: "if controls are not installed leading to higher than accounted for levels of pollutants"	Primary factual evidence A25–A26: EPA control-technique monitoring; A27: EPA emission-factor limitations. Draft comparison D01: §9.8.5, p.40	Emissions and control effectiveness depend on operation, materials and equipment. Page 40 allows mitigation for an approved demonstration that emissions remain below the limit without the control.	Factual Premise Audit P33: Overstated. The missing-control rationale omits conditions needed to infer the actual increase or inventory departure. Limit: Below-limit emissions can still exceed inventory estimates, so page 40 does not establish a strict logical contradiction. The required-control installation duty remains separate. Related: F058–F059 concern related control requirements.	https://www.epa.gov/air-emissions-monitoring-knowledge-base/monitoring-control-technique-fabric-filters https://www.epa.gov/air-emissions-monitoring-knowledge-base/monitoring-control-technique-wet-scrubber-particulate-0 https://www.epa.gov/air-emissions-factors-and-quantification/basic-information-air-emissions-factors-and-quantification
F103	Section 9.10.3 Quote: "a real time snapshot of exactly what the system being tested is releasing when it operates"	Primary factual evidence A20: EPA stack testing guidance, introduction and testing conditions. State-law support A01: NAC 445B.252(3), (5). Federal SIP support A29/A30: approved .252(3), (5), PDF p.27; see Authorities.	Factual evidence: EPA testing guidance discusses variability and representative testing. A finite test measures selected pollutants under sampled conditions. State-law support: NAC .252(3), (5) require Director-specified representative conditions and ordinarily the arithmetic mean of at least three runs; a qualifying two-run result requires Director approval. Federal SIP support: approved .252(3), (5) retain these testing conditions and run averages.	Factual Premise Audit P36: Overstated. Primary factual basis: A finite test measures selected pollutants under sampled conditions. The word "exactly" and the broad operating description overstate precision and coverage. SIP role: Corroborates testing boundaries. Technical evidence remains the basis for qualifying the factual claim. Additional support: The approved reliance on representative conditions and run averages supports qualifying the draft's "exactly" and broad operating description. A finite test is not automatically a continuous account of every pollutant and operating condition. Limit: A valid test remains useful compliance evidence. Its use for other periods depends on the applicable rule and supporting evidence. F068 and F070 address separate test-enforcement instructions. Pilot cross-reference: SIP06.	https://www.leg.state.nv.us/NAC/NAC-445B.html https://www.epa.gov/sites/default/files/2013-09/documents/stacktesting_1.pdf https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-52/subpart-DD/section-52.1470 https://www.epa.gov/system/files/documents/2024-05/nevada-administrative-code-chapter-445b-general-provisions.pdf
F104	Section 9.11.3; 9.15.3 Quote: "the Division cannot adequately manage air resources"	Primary factual evidence A28: EPA monitoring compliance State-law support A01: NAC 445B.063, .252 Draft comparison D01: §§9.11.3, 9.15.3	The regulatory framework recognizes relevant credible evidence and, conditionally, other compliance demonstrations. Compliance oversight can draw on multiple sources of information.	Factual Premise Audit P38: Overstated. Delay can impair oversight, but the categorical rationale does not explain what indispensable information or function is lost in the case described. Limit: This does not establish that every delayed test or unmet order is harmless. Valid testing and order duties remain enforceable. Related: F074 and F082–F083 address separate notice and order instructions.	https://www.leg.state.nv.us/NAC/NAC-445B.html https://www.epa.gov/compliance/monitoring-compliance

ID	Draft section and wording / précis	Authority or factual source	Source text or rule	Basis, explanation and qualifications	Source URL or draft location
F105	Section 9.13.1–9.13.3 Quote: "they can directly measure emissions for most, if not the entire time a unit operates"	Primary factual evidence A18: EPA monitoring overview, Continuous Monitoring Systems. Draft comparison D01: §§9.13.1–9.13.4. Federal SIP corroboration A29/A30: approved NAC .257(1), PDF p.28; see Authorities. Technical reference establishes the factual distinction.	Factual evidence: EPA distinguishes CEMS pollutant or surrogate measurements, COMS opacity measurements, and CPMS operating parameters such as pressure or temperature. CPMS do not directly measure pollutant emissions. Federal SIP corroboration: approved NAC .257(1) separately refers to representative measurements of emissions or process parameters. This supports the technical distinction; it is not the primary factual proof.	Factual Premise Audit P40: Contradicted. Primary factual basis: The collective description includes CPMS, for which the asserted direct-emissions function is incorrect. SIP role: Corroborates the emissions/process-parameter distinction; EPA's technical reference supplies the primary factual evidence. Additional support: The SIP expressly preserves the distinction that the draft's collective direct-emissions description loses. A parameter excursion is not itself a direct measurement of pollutant mass emissions. Limit: A CPMS excursion can violate an independently enforceable operating limit. An appropriate pollutant-measuring CEMS may provide direct evidence. F075 separately addresses calibration and audits. Pilot cross-reference: SIP08.	https://www.epa.gov/air-emissions-monitoring-knowledge-base/basic-information-about-air-emissions-monitoring https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-52/subpart-DD/section-52.1470 https://www.epa.gov/system/files/documents/2024-05/nevada-administrative-code-chapter-445b-general-provisions.pdf
F106	Section 8.3.3 (context: 8.3.2) Page 22 permits the health factor for "credible reports or complaints". Page 21 requires "evidence that higher levels of emissions were present" that could harm sensitive receptors.	Policy under review D01: pp.21–22, §8.3.3 Factual context A24: EPA HAP health effects and exposure context	The draft already calls for evidence of higher emissions. EPA distinguishes pollutant hazards from effects associated with sufficient exposure. The proposed attribution explanation is an analytical recommendation, not a quoted statutory test.	Factual Premise Audit P20: Policy choice needing explanation. Credibility supports investigation but does not by itself identify the responsible source. The relationship between the complaint provision and the preceding emissions-evidence requirement is unclear. Limit: A risk factor need not require proven actual injury. The unresolved issue is the evidentiary explanation for applying the chosen factor.	https://www.epa.gov/haps/health-and-environmental-effects-hazardous-air-pollutants Draft pp.21–22
F107	Section 3.1; 8.3.3 Quote: "When a violation causes an exceedance of the NAAQS, it is considered a public health risk."	Factual context A05: EPA NAAQS table, primary and secondary purposes Policy under review D01: pp.5, 22	Primary standards protect public health. Secondary standards protect public welfare, including visibility, animals, crops, vegetation and buildings. The draft's page 5 recognizes this distinction.	Factual Premise Audit P21: Policy choice needing explanation. Section 8.3.3 does not explain why a secondary-only exceedance receives the health factor or how that choice relates to environmental risk. Limit: This is an unexplained policy choice, not proof of observed injury or an established unlawful factor. Current EPA numerical standards are not substituted for Nevada's incorporated text.	https://www.epa.gov/criteria-air-pollutants/naaqs-table Draft pp.5, 22

ID	Draft section and wording / précis	Authority or factual source	Source text or rule	Basis, explanation and qualifications	Source URL or draft location
F108	Section 8.3.4; penalty tables Page 22: "Mercury permit violations will not receive a HAPs multiplier as it already has a higher base penalty". Page 26 daily recordkeeping base: Mercury \$400; SM-80 \$400; Class II \$250. Related tables occur on pp.29, 39 and 50.	Policy under review D01: §8.3.4 and base-penalty tables, pp.22, 26, 29, 39, 50	The draft exempts mercury-permit violations from the HAP factor on the stated ground that their base penalty already reflects the pollutant. Its table shows different possible comparison categories.	Factual Premise Audit P23: Policy choice needing explanation. A premium exists in the example against Class II but not SM-80. The comparison and toxicity-related increment are not identified for the affected rows. Limit: The example does not prove the exception is unlawful or that a premium must equal exactly 0.5. NDEP should explain its chosen calibration and apply it consistently.	Draft PDF pp.22, 26, 29, 39, 50

Locations

Correction locations and classification changes

One row per finding and related page. The last column preserves the first-draft label or identifies a later addition.

PDF page	ID	Current classification	Drafting mechanism	Draft section(s)	First-draft category
4	F001	Error of law	Changed legal actor	1; 7.4	Text mismatch
4	F002	Error of law	Omitted statutory protection	1; 8.4; 8.4.2	Material omission
4	F003	Legal question	Unresolved adoption authority	1; 2; 11	Authority question
4	F004	Legal question	Undefined transition rule	2; 11	Authority question
4	F005	Legal question	Unsupported demonstration duty	3; 9.1.3	Authority question
4	F006	Error of law	Omitted regulated category	3; 3.2; 4(14)	Material omission
5	F007	Error of law	Incorrect legal classification	3.1; 8.3.3	Text mismatch
5	F095	Error of fact	Incorrect historical statement	3.1	Text mismatch
5	F107	Material ambiguity	Unexplained policy choice	3.1; 8.3.3	New finding in version 4
8	F006	Error of law	Omitted regulated category	3; 3.2; 4(14)	Material omission
8	F007	Error of law	Incorrect legal classification	3.1; 8.3.3	Text mismatch
8	F035	Internal contradiction	Conflicting instructions	3.3-.5; 4(10); 8 steps 7-8; 8.7; Appendix A	Internal inconsistency
8	F098	Material ambiguity	Overstated factual premise	3.1 table	New finding in version 4
8	F099	Error of fact	Overstated factual premise	3.2; definitions; 8.3.4	New finding in version 4
9	F008	Editorial / reference error	Incorrect citation	4(4)	Editorial/reference
9	F009	Editorial / reference error	Missing definition / wrong citation	4(5)	Editorial/reference
9	F035	Internal contradiction	Conflicting instructions	3.3-.5; 4(10); 8 steps 7-8; 8.7; Appendix A	Internal inconsistency
10	F006	Error of law	Omitted regulated category	3; 3.2; 4(14)	Material omission
10	F010	Error of law	Omitted identification conditions	4(14); 8.3.4	Material omission
10	F014	Legal question	Unresolved finality rule	4(13); 6.3; 7.3-.4	Authority question
10	F029	Legal question	Combined deadline triggers	4(13); 6.3; 7.2-.4; 7.8	Authority question
10	F035	Internal contradiction	Conflicting instructions	3.3-.5; 4(10); 8 steps 7-8; 8.7; Appendix A	Internal inconsistency
10	F099	Error of fact	Overstated factual premise	3.2; definitions; 8.3.4	New finding in version 4
11	F011	Error of law	Narrowed definition	4(22)	Text mismatch
11	F012	Material ambiguity	Ambiguous threshold	4(28); 8.1	Text mismatch

PDF page	ID	Current classification	Drafting mechanism	Draft section(s)	First-draft category
11	F013	Error of law	Expanded cited definition	4(29)	Text mismatch
12	F094	Legal question	Unexplained notice-based policy	5.2	Authority question
13	F014	Legal question	Unresolved finality rule	4(13); 6.3; 7.3-.4	Authority question
13	F015	Material ambiguity	Incomplete notice instructions	6.1; 6.3	Material omission
13	F016	Legal question	Unsupported attendance duty	6.2	Authority question
14	F014	Legal question	Unresolved finality rule	4(13); 6.3; 7.3-.4	Authority question
14	F015	Material ambiguity	Incomplete notice instructions	6.1; 6.3	Material omission
14	F017	Editorial / reference error	Wrong cross-reference	6.3	Editorial/reference
14	F018	Error of law	Changed escalation trigger	7.2; 9.1.6; 9.2.6; 9.3.6	Text mismatch
14	F019	Error of law	Changed counting units	7.2; 8.5; 9.1-.3	Text mismatch
14	F020	Calculation / implementation defect	Undefined fractional weighting	7.2; 8.5; Appendix A	Internal inconsistency
14	F021	Calculation / implementation defect	Missing classification step	7.2; 9	Material omission
14	F029	Legal question	Combined deadline triggers	4(13); 6.3; 7.2-.4; 7.8	Authority question
15	F001	Error of law	Changed legal actor	1; 7.4	Text mismatch
15	F014	Legal question	Unresolved finality rule	4(13); 6.3; 7.3-.4	Authority question
15	F029	Legal question	Combined deadline triggers	4(13); 6.3; 7.2-.4; 7.8	Authority question
15	F030	Material ambiguity	Omitted scheduling conditions	7.4; 7.5	Material omission
15	F031	Error of law	Truncated statutory authority	7.5	Text mismatch
15	F034	Legal question	Unresolved settlement authority	7.5-.6; Appendix B	Authority question
16	F030	Material ambiguity	Omitted scheduling conditions	7.4; 7.5	Material omission
16	F032	Internal contradiction	Conflicting example	7.5.1; Appendix B(6)	Internal inconsistency
16	F034	Legal question	Unresolved settlement authority	7.5-.6; Appendix B	Authority question
17	F026	Material ambiguity	Omitted filing procedure	7.8	Material omission
17	F027	Error of law	Omitted statutory power	7.8	Text mismatch
17	F028	Error of law	Omitted waiver conditions	7.8	Material omission
17	F029	Legal question	Combined deadline triggers	4(13); 6.3; 7.2-.4; 7.8	Authority question
18	F035	Internal contradiction	Conflicting instructions	3.3-.5; 4(10); 8 steps 7-8; 8.7; Appendix A	Internal inconsistency
18	F037	Calculation / implementation defect	Missing ceiling check	8; 8.6; 9; Appendix A	Material omission

PDF page	ID	Current classification	Drafting mechanism	Draft section(s)	First-draft category
18	F054	Calculation / implementation defect	Missing allocation rule	8; 9.4; 9.5; 9.10/9.12; 9.13	Internal inconsistency
19	F012	Material ambiguity	Ambiguous threshold	4(28); 8.1	Text mismatch
19	F040	Legal question	Unresolved source classification	8.1; 9.6.1; 9.8.1	Authority question
19	F053	Calculation / implementation defect	Undefined measurement unit	8.2 summary table; 9.4.6	Authority question
19	F057	Legal question	Unsupported duration proxy	8.2 summary table; 9.6.6; 9.8.6	Authority question
20	F037	Calculation / implementation defect	Missing ceiling check	8; 8.6; 9; Appendix A	Material omission
20	F038	Internal contradiction	Changed discretion	8.2; 9.14.6	Internal inconsistency
20	F049	Material ambiguity	Omitted threshold / undefined acreage	8.2 summary table; 9.6.6	Material omission
20	F057	Legal question	Unsupported duration proxy	8.2 summary table; 9.6.6; 9.8.6	Authority question
20	F068	Legal question	Unsupported presumption	8.2 summary table; 9.10.1; 9.10.6	Authority question
20	F072	Calculation / implementation defect	Incorrect arithmetic description	8.2 summary table; 9.10.6	Internal inconsistency
20	F073	Calculation / implementation defect	Undefined pollutant multiplier	8.2 summary table; 9.10.6-.7	Internal inconsistency
20	F081	Legal question	Unsupported continuing count	8.2; 9.14.6	Authority question
21	F106	Material ambiguity	Unexplained policy choice	8.3.3 (context: 8.3.2)	New finding in version 4
22	F002	Error of law	Omitted statutory protection	1; 8.4; 8.4.2	Material omission
22	F007	Error of law	Incorrect legal classification	3.1; 8.3.3	Text mismatch
22	F010	Error of law	Omitted identification conditions	4(14); 8.3.4	Material omission
22	F096	Material ambiguity	Unclear cap scope	8.4; 9.8.5; Appendix A	Internal inconsistency
22	F099	Error of fact	Overstated factual premise	3.2; definitions; 8.3.4	New finding in version 4
22	F106	Material ambiguity	Unexplained policy choice	8.3.3 (context: 8.3.2)	New finding in version 4
22	F107	Material ambiguity	Unexplained policy choice	3.1; 8.3.3	New finding in version 4
22	F108	Material ambiguity	Unexplained policy choice	8.3.4; penalty tables	New finding in version 4
23	F002	Error of law	Omitted statutory protection	1; 8.4; 8.4.2	Material omission
23	F019	Error of law	Changed counting units	7.2; 8.5; 9.1-.3	Text mismatch
23	F020	Calculation / implementation defect	Undefined fractional weighting	7.2; 8.5; Appendix A	Internal inconsistency

PDF page	ID	Current classification	Drafting mechanism	Draft section(s)	First-draft category
24	F019	Error of law	Changed counting units	7.2; 8.5; 9.1-.3	Text mismatch
24	F020	Calculation / implementation defect	Undefined fractional weighting	7.2; 8.5; Appendix A	Internal inconsistency
24	F035	Internal contradiction	Conflicting instructions	3.3-.5; 4(10); 8 steps 7-8; 8.7; Appendix A	Internal inconsistency
24	F036	Material ambiguity	Ambiguous threshold	8.6; 9.1-.15 cap tables	Internal inconsistency
24	F037	Calculation / implementation defect	Missing ceiling check	8; 8.6; 9; Appendix A	Material omission
24	F039	Calculation / implementation defect	Undefined history unit	8.5-.6; 9 cap tables	Internal inconsistency
25	F005	Legal question	Unsupported demonstration duty	3; 9.1.3	Authority question
25	F021	Calculation / implementation defect	Missing classification step	7.2; 9	Material omission
25	F100	Error of fact	Contradicted factual premise	9.1.3, 9.1.5; 9.2.3; 9.13.3	New finding in version 4
26	F005	Legal question	Unsupported demonstration duty	3; 9.1.3	Authority question
26	F018	Error of law	Changed escalation trigger	7.2; 9.1.6; 9.2.6; 9.3.6	Text mismatch
26	F019	Error of law	Changed counting units	7.2; 8.5; 9.1-.3	Text mismatch
26	F022	Error of law	Unsupported categorical exclusion	9.1.6	Text mismatch
26	F036	Material ambiguity	Ambiguous threshold	8.6; 9.1-.15 cap tables	Internal inconsistency
26	F039	Calculation / implementation defect	Undefined history unit	8.5-.6; 9 cap tables	Internal inconsistency
26	F100	Error of fact	Contradicted factual premise	9.1.3, 9.1.5; 9.2.3; 9.13.3	New finding in version 4
26	F108	Material ambiguity	Unexplained policy choice	8.3.4; penalty tables	New finding in version 4
27	F036	Material ambiguity	Ambiguous threshold	8.6; 9.1-.15 cap tables	Internal inconsistency
27	F039	Calculation / implementation defect	Undefined history unit	8.5-.6; 9 cap tables	Internal inconsistency
28	F018	Error of law	Changed escalation trigger	7.2; 9.1.6; 9.2.6; 9.3.6	Text mismatch
28	F019	Error of law	Changed counting units	7.2; 8.5; 9.1-.3	Text mismatch
28	F021	Calculation / implementation defect	Missing classification step	7.2; 9	Material omission
28	F041	Internal contradiction	Reversed adjustment sign	9.2.5 through 9.16.5 (listed pages)	Internal inconsistency
28	F100	Error of fact	Contradicted factual premise	9.1.3, 9.1.5; 9.2.3; 9.13.3	New finding in version 4
29	F036	Material ambiguity	Ambiguous threshold	8.6; 9.1-.15 cap tables	Internal inconsistency

PDF page	ID	Current classification	Drafting mechanism	Draft section(s)	First-draft category
29	F039	Calculation / implementation defect	Undefined history unit	8.5-.6; 9 cap tables	Internal inconsistency
29	F108	Material ambiguity	Unexplained policy choice	8.3.4; penalty tables	New finding in version 4
30	F018	Error of law	Changed escalation trigger	7.2; 9.1.6; 9.2.6; 9.3.6	Text mismatch
30	F019	Error of law	Changed counting units	7.2; 8.5; 9.1-.3	Text mismatch
30	F021	Calculation / implementation defect	Missing classification step	7.2; 9	Material omission
30	F041	Internal contradiction	Reversed adjustment sign	9.2.5 through 9.16.5 (listed pages)	Internal inconsistency
30	F044	Error of law	Omitted definition boundary	9.3.1; 9.7.1	Text mismatch
30	F045	Error of law	Omitted qualifying condition	9.3.1	Text mismatch
30	F046	Error of law	Combined subsections	9.3.3	Text mismatch
30	F047	Error of law	Omitted exemption	9.3; 9.6 SAD discussion	Material omission
30	F048	Error of law	Omitted exemption	9.3; 9.6 SAD discussion	Material omission
30	F097	Error of fact	Incorrect categorical statement	9.3.3 (context: 9.3.1)	New finding in version 3
31	F036	Material ambiguity	Ambiguous threshold	8.6; 9.1-.15 cap tables	Internal inconsistency
31	F039	Calculation / implementation defect	Undefined history unit	8.5-.6; 9 cap tables	Internal inconsistency
32	F036	Material ambiguity	Ambiguous threshold	8.6; 9.1-.15 cap tables	Internal inconsistency
32	F041	Internal contradiction	Reversed adjustment sign	9.2.5 through 9.16.5 (listed pages)	Internal inconsistency
32	F050	Error of law	Omitted exemption	9.4; 9.5.1; 9.13	Material omission
32	F051	Error of law	Omitted limited allowance	9.4; 9.5.1; 9.13	Material omission
32	F052	Error of law	Omitted exemptions	9.4; 9.5.1; 9.13	Material omission
32	F053	Calculation / implementation defect	Undefined measurement unit	8.2 summary table; 9.4.6	Authority question
32	F054	Calculation / implementation defect	Missing allocation rule	8; 9.4; 9.5; 9.10/9.12; 9.13	Internal inconsistency
32	F101	Material ambiguity	Overstated factual premise	9.4.3; 9.5.3	New finding in version 4
33	F036	Material ambiguity	Ambiguous threshold	8.6; 9.1-.15 cap tables	Internal inconsistency
33	F039	Calculation / implementation defect	Undefined history unit	8.5-.6; 9 cap tables	Internal inconsistency
34	F043	Calculation / implementation defect	Gaps / overlapping bands	9.5.4; 9.13.4	Internal inconsistency

PDF page	ID	Current classification	Drafting mechanism	Draft section(s)	First-draft category
34	F050	Error of law	Omitted exemption	9.4; 9.5.1; 9.13	Material omission
34	F051	Error of law	Omitted limited allowance	9.4; 9.5.1; 9.13	Material omission
34	F052	Error of law	Omitted exemptions	9.4; 9.5.1; 9.13	Material omission
34	F054	Calculation / implementation defect	Missing allocation rule	8; 9.4; 9.5; 9.10/9.12; 9.13	Internal inconsistency
34	F092	Calculation / implementation defect	Missing formula inputs	9.5.4; 9.8.5; 9.13.4; Appendix A	Internal inconsistency
34	F101	Material ambiguity	Overstated factual premise	9.4.3; 9.5.3	New finding in version 4
35	F036	Material ambiguity	Ambiguous threshold	8.6; 9.1-.15 cap tables	Internal inconsistency
35	F039	Calculation / implementation defect	Undefined history unit	8.5-.6; 9 cap tables	Internal inconsistency
35	F041	Internal contradiction	Reversed adjustment sign	9.2.5 through 9.16.5 (listed pages)	Internal inconsistency
35	F043	Calculation / implementation defect	Gaps / overlapping bands	9.5.4; 9.13.4	Internal inconsistency
36	F040	Legal question	Unresolved source classification	8.1; 9.6.1; 9.8.1	Authority question
36	F041	Internal contradiction	Reversed adjustment sign	9.2.5 through 9.16.5 (listed pages)	Internal inconsistency
36	F047	Error of law	Omitted exemption	9.3; 9.6 SAD discussion	Material omission
36	F048	Error of law	Omitted exemption	9.3; 9.6 SAD discussion	Material omission
36	F049	Material ambiguity	Omitted threshold / undefined acreage	8.2 summary table; 9.6.6	Material omission
36	F055	Error of law	Omitted exemptions	9.6.1; 9.6.3	Material omission
36	F056	Error of law	Omitted continuation provision	9.6.1	Material omission
36	F057	Legal question	Unsupported duration proxy	8.2 summary table; 9.6.6; 9.8.6	Authority question
37	F036	Material ambiguity	Ambiguous threshold	8.6; 9.1-.15 cap tables	Internal inconsistency
37	F039	Calculation / implementation defect	Undefined history unit	8.5-.6; 9 cap tables	Internal inconsistency
38	F041	Internal contradiction	Reversed adjustment sign	9.2.5 through 9.16.5 (listed pages)	Internal inconsistency
38	F044	Error of law	Omitted definition boundary	9.3.1; 9.7.1	Text mismatch
38	F059	Editorial / reference error	Omitted operative citation	9.7.2; 9.8.2	Material omission
38	F102	Material ambiguity	Overstated factual premise	9.7.3; 9.8.3; 9.8.5	New finding in version 4
39	F036	Material ambiguity	Ambiguous threshold	8.6; 9.1-.15 cap tables	Internal inconsistency

PDF page	ID	Current classification	Drafting mechanism	Draft section(s)	First-draft category
39	F039	Calculation / implementation defect	Undefined history unit	8.5-.6; 9 cap tables	Internal inconsistency
39	F108	Material ambiguity	Unexplained policy choice	8.3.4; penalty tables	New finding in version 4
40	F040	Legal question	Unresolved source classification	8.1; 9.6.1; 9.8.1	Authority question
40	F042	Editorial / reference error	Incorrect factor label	9.8.5	Editorial/reference
40	F057	Legal question	Unsupported duration proxy	8.2 summary table; 9.6.6; 9.8.6	Authority question
40	F058	Legal question	Unsupported duty	9.8.1	Authority question
40	F059	Editorial / reference error	Omitted operative citation	9.7.2; 9.8.2	Material omission
40	F092	Calculation / implementation defect	Missing formula inputs	9.5.4; 9.8.5; 9.13.4; Appendix A	Internal inconsistency
40	F096	Material ambiguity	Unclear cap scope	8.4; 9.8.5; Appendix A	Internal inconsistency
40	F102	Material ambiguity	Overstated factual premise	9.7.3; 9.8.3; 9.8.5	New finding in version 4
41	F036	Material ambiguity	Ambiguous threshold	8.6; 9.1-.15 cap tables	Internal inconsistency
41	F037	Calculation / implementation defect	Missing ceiling check	8; 8.6; 9; Appendix A	Material omission
41	F039	Calculation / implementation defect	Undefined history unit	8.5-.6; 9 cap tables	Internal inconsistency
42	F021	Calculation / implementation defect	Missing classification step	7.2; 9	Material omission
42	F023	Calculation / implementation defect	Combined duties / missing routing	9.9.6	Internal inconsistency
42	F041	Internal contradiction	Reversed adjustment sign	9.2.5 through 9.16.5 (listed pages)	Internal inconsistency
42	F061	Error of law	Omitted deadline / approval	9.9.2; 9.9.6	Material omission
42	F065	Material ambiguity	Incomplete deadline table	9.9.2; 9.9.6	Material omission
42	F067	Error of law	Omitted conditional protection	9.9; 9.10; 9.13; 9.16	Material omission
43	F023	Calculation / implementation defect	Combined duties / missing routing	9.9.6	Internal inconsistency
43	F060	Error of law	Combined reporting duties	9.9.6	Text mismatch
43	F061	Error of law	Omitted deadline / approval	9.9.2; 9.9.6	Material omission
43	F062	Material ambiguity	Abbreviated deadline	9.9.6	Text mismatch
43	F063	Error of law	Omitted applicability condition	9.9.6	Material omission
43	F064	Error of law	Omitted exemption	9.9.6	Material omission

PDF page	ID	Current classification	Drafting mechanism	Draft section(s)	First-draft category
43	F065	Material ambiguity	Incomplete deadline table	9.9.2; 9.9.6	Material omission
43	F066	Legal question	Unidentified permit duty	9.9.6	Authority question
44	F036	Material ambiguity	Ambiguous threshold	8.6; 9.1-.15 cap tables	Internal inconsistency
44	F039	Calculation / implementation defect	Undefined history unit	8.5-.6; 9 cap tables	Internal inconsistency
44	F065	Material ambiguity	Incomplete deadline table	9.9.2; 9.9.6	Material omission
45	F041	Internal contradiction	Reversed adjustment sign	9.2.5 through 9.16.5 (listed pages)	Internal inconsistency
45	F067	Error of law	Omitted conditional protection	9.9; 9.10; 9.13; 9.16	Material omission
45	F068	Legal question	Unsupported presumption	8.2 summary table; 9.10.1; 9.10.6	Authority question
45	F069	Legal question	Unsupported inference	9.10.1	Text mismatch
45	F070	Error of law	Omitted testing qualifications	9.10; 9.12	Material omission
45	F072	Calculation / implementation defect	Incorrect arithmetic description	8.2 summary table; 9.10.6	Internal inconsistency
45	F073	Calculation / implementation defect	Undefined pollutant multiplier	8.2 summary table; 9.10.6-.7	Internal inconsistency
45	F103	Material ambiguity	Overstated factual premise	9.10.3	New finding in version 4
46	F036	Material ambiguity	Ambiguous threshold	8.6; 9.1-.15 cap tables	Internal inconsistency
46	F037	Calculation / implementation defect	Missing ceiling check	8; 8.6; 9; Appendix A	Material omission
46	F039	Calculation / implementation defect	Undefined history unit	8.5-.6; 9 cap tables	Internal inconsistency
46	F073	Calculation / implementation defect	Undefined pollutant multiplier	8.2 summary table; 9.10.6-.7	Internal inconsistency
47	F041	Internal contradiction	Reversed adjustment sign	9.2.5 through 9.16.5 (listed pages)	Internal inconsistency
47	F074	Editorial / reference error	Omitted operative citation	9.11.2	Material omission
47	F104	Material ambiguity	Overstated factual premise	9.11.3; 9.15.3	New finding in version 4
48	F036	Material ambiguity	Ambiguous threshold	8.6; 9.1-.15 cap tables	Internal inconsistency
48	F037	Calculation / implementation defect	Missing ceiling check	8; 8.6; 9; Appendix A	Material omission
48	F039	Calculation / implementation defect	Undefined history unit	8.5-.6; 9 cap tables	Internal inconsistency
49	F041	Internal contradiction	Reversed adjustment sign	9.2.5 through 9.16.5 (listed pages)	Internal inconsistency

PDF page	ID	Current classification	Drafting mechanism	Draft section(s)	First-draft category
49	F054	Calculation / implementation defect	Missing allocation rule	8; 9.4; 9.5; 9.10/9.12; 9.13	Internal inconsistency
49	F070	Error of law	Omitted testing qualifications	9.10; 9.12	Material omission
49	F071	Legal question	Conflated legal standards	9.12.1	Authority question
50	F036	Material ambiguity	Ambiguous threshold	8.6; 9.1-.15 cap tables	Internal inconsistency
50	F037	Calculation / implementation defect	Missing ceiling check	8; 8.6; 9; Appendix A	Material omission
50	F039	Calculation / implementation defect	Undefined history unit	8.5-.6; 9 cap tables	Internal inconsistency
50	F108	Material ambiguity	Unexplained policy choice	8.3.4; penalty tables	New finding in version 4
51	F021	Calculation / implementation defect	Missing classification step	7.2; 9	Material omission
51	F024	Calculation / implementation defect	Combined duties / missing routing	9.13.1; 9.13.6	Internal inconsistency
51	F043	Calculation / implementation defect	Gaps / overlapping bands	9.5.4; 9.13.4	Internal inconsistency
51	F050	Error of law	Omitted exemption	9.4; 9.5.1; 9.13	Material omission
51	F051	Error of law	Omitted limited allowance	9.4; 9.5.1; 9.13	Material omission
51	F052	Error of law	Omitted exemptions	9.4; 9.5.1; 9.13	Material omission
51	F054	Calculation / implementation defect	Missing allocation rule	8; 9.4; 9.5; 9.10/9.12; 9.13	Internal inconsistency
51	F067	Error of law	Omitted conditional protection	9.9; 9.10; 9.13; 9.16	Material omission
51	F075	Error of law	Generalized technical duty	9.13.3	Text mismatch
51	F076	Error of law	Omitted operating qualifications	9.13.1	Material omission
51	F077	Editorial / reference error	Omitted alternative-procedure citation	9.13.2	Material omission
51	F092	Calculation / implementation defect	Missing formula inputs	9.5.4; 9.8.5; 9.13.4; Appendix A	Internal inconsistency
51	F100	Error of fact	Contradicted factual premise	9.1.3, 9.1.5; 9.2.3; 9.13.3	New finding in version 4
51	F105	Error of fact	Contradicted factual premise	9.13.1–9.13.3	New finding in version 4
52	F024	Calculation / implementation defect	Combined duties / missing routing	9.13.1; 9.13.6	Internal inconsistency
52	F036	Material ambiguity	Ambiguous threshold	8.6; 9.1-.15 cap tables	Internal inconsistency

PDF page	ID	Current classification	Drafting mechanism	Draft section(s)	First-draft category
52	F039	Calculation / implementation defect	Undefined history unit	8.5-.6; 9 cap tables	Internal inconsistency
52	F041	Internal contradiction	Reversed adjustment sign	9.2.5 through 9.16.5 (listed pages)	Internal inconsistency
52	F043	Calculation / implementation defect	Gaps / overlapping bands	9.5.4; 9.13.4	Internal inconsistency
53	F037	Calculation / implementation defect	Missing ceiling check	8; 8.6; 9; Appendix A	Material omission
53	F038	Internal contradiction	Changed discretion	8.2; 9.14.6	Internal inconsistency
53	F041	Internal contradiction	Reversed adjustment sign	9.2.5 through 9.16.5 (listed pages)	Internal inconsistency
53	F078	Error of law	Combined access standards	9.14.1	Text mismatch
53	F079	Error of law	Omitted authority condition	9.14.1	Material omission
53	F080	Material ambiguity	Incomplete access procedure	9.14.1	Material omission
53	F081	Legal question	Unsupported continuing count	8.2; 9.14.6	Authority question
54	F036	Material ambiguity	Ambiguous threshold	8.6; 9.1-.15 cap tables	Internal inconsistency
54	F039	Calculation / implementation defect	Undefined history unit	8.5-.6; 9 cap tables	Internal inconsistency
55	F041	Internal contradiction	Reversed adjustment sign	9.2.5 through 9.16.5 (listed pages)	Internal inconsistency
55	F082	Error of law	Omitted compliance protection	9.15.2-.3	Material omission
55	F083	Material ambiguity	Omitted review procedure	9.15	Material omission
55	F104	Material ambiguity	Overstated factual premise	9.11.3; 9.15.3	New finding in version 4
56	F036	Material ambiguity	Ambiguous threshold	8.6; 9.1-.15 cap tables	Internal inconsistency
56	F039	Calculation / implementation defect	Undefined history unit	8.5-.6; 9 cap tables	Internal inconsistency
57	F021	Calculation / implementation defect	Missing classification step	7.2; 9	Material omission
57	F025	Calculation / implementation defect	Missing routing exclusion	9.16.6	Internal inconsistency
57	F037	Calculation / implementation defect	Missing ceiling check	8; 8.6; 9; Appendix A	Material omission
57	F041	Internal contradiction	Reversed adjustment sign	9.2.5 through 9.16.5 (listed pages)	Internal inconsistency
57	F067	Error of law	Omitted conditional protection	9.9; 9.10; 9.13; 9.16	Material omission
57	F084	Legal question	Unidentified enforcement basis	9.16.1-.3	Authority question

PDF page	ID	Current classification	Drafting mechanism	Draft section(s)	First-draft category
58	F085	Error of law	Expanded surcharge scope	10.1.1; 10.1.4	Text mismatch
58	F086	Error of law	Omitted timing condition	10.1.4	Text mismatch
58	F087	Error of law	Omitted exemption	10.1.4	Material omission
58	F088	Error of law	Changed discretion / omitted notice	10.1.4	Text mismatch
58	F089	Material ambiguity	Combined payment categories	10.1.1-3	Text mismatch
58	F090	Error of law	Omitted consequence / exception	10.1	Material omission
58	F091	Editorial / reference error	Omitted fee authority	10.1.2	Material omission
59	F003	Legal question	Unresolved adoption authority	1; 2; 11	Authority question
59	F004	Legal question	Undefined transition rule	2; 11	Authority question
60	F020	Calculation / implementation defect	Undefined fractional weighting	7.2; 8.5; Appendix A	Internal inconsistency
60	F035	Internal contradiction	Conflicting instructions	3.3-.5; 4(10); 8 steps 7-8; 8.7; Appendix A	Internal inconsistency
60	F037	Calculation / implementation defect	Missing ceiling check	8; 8.6; 9; Appendix A	Material omission
60	F092	Calculation / implementation defect	Missing formula inputs	9.5.4; 9.8.5; 9.13.4; Appendix A	Internal inconsistency
60	F093	Calculation / implementation defect	Unresolved displayed calculation	Appendix A	Editorial/reference
60	F096	Material ambiguity	Unclear cap scope	8.4; 9.8.5; Appendix A	Internal inconsistency
61	F033	Editorial / reference error	Outdated reference	Appendix B(1)	Editorial/reference
61	F034	Legal question	Unresolved settlement authority	7.5-.6; Appendix B	Authority question
62	F032	Internal contradiction	Conflicting example	7.5.1; Appendix B(6)	Internal inconsistency
62	F034	Legal question	Unresolved settlement authority	7.5-.6; Appendix B	Authority question

Coverage

Coverage of the 62-page draft

All 62 pages remain covered.

PDF page	Page subject	Related finding IDs
1	Title and issuing bureau	None identified
2	Contents	None identified
3	Contents	None identified
4	Authority, effective date, purpose	F001, F002, F003, F004, F005, F006
5	NAAQS and harmful-effects table	F007, F095, F107
6	Harmful-effects table	None identified
7	Harmful-effects table	None identified
8	Harmful-effects table, HAPs, objectives	F006, F007, F035, F098, F099
9	Definitions	F008, F009, F035
10	Definitions	F006, F010, F014, F029, F035, F099
11	Definitions	F011, F012, F013
12	Determining noncompliance	F094
13	Preliminary findings and conference	F014, F015, F016
14	NOAV and minor-violation process	F014, F015, F017, F018, F019, F020, F021, F029
15	Major violations, hearings, settlement	F001, F014, F029, F030, F031, F034
16	Settlement, SEP, tolling, consent orders	F030, F032, F034
17	Consent decree, appeal, penalty steps	F026, F027, F028, F029
18	Penalty formula, statutory ceiling, non-duplication	F035, F037, F054
19	Source class and multiplier table	F012, F040, F053, F057
20	Multiplier table	F037, F038, F049, F057, F068, F072, F073, F081
21	Aggravating factors	F106, None identified
22	Aggravating and mitigating factors	F002, F007, F010, F096, F099, F106, F107, F108
23	Mitigation and history	F002, F019, F020
24	History, caps, economic benefit	F019, F020, F035, F036, F037, F039
25	Monitoring and recordkeeping	F005, F021, F100

PDF page	Page subject	Related finding IDs
26	Monitoring bases, initial demonstrations, cap	F005, F018, F019, F022, F036, F039, F100, F108
27	Monitoring/recordkeeping cap table	F036, F039
28	Required reporting	F018, F019, F021, F041, F100
29	Reporting bases and cap table	F036, F039, F108
30	Fugitive dust	F018, F019, F021, F041, F044, F045, F046, F047, F048, F097
31	Fugitive dust cap table	F036, F039
32	Method 9 opacity	F036, F041, F050, F051, F052, F053, F054, F101
33	Opacity cap table	F036, F039
34	Permitted operating parameters	F043, F050, F051, F052, F054, F092, F101
35	Operating-parameter adjustments, bases and caps	F036, F039, F041, F043
36	Construction or operation without a permit	F040, F041, F047, F048, F049, F055, F056, F057
37	Unpermitted-source bases and caps	F036, F039
38	Equipment maintenance	F041, F044, F059, F102
39	Equipment-maintenance bases and caps	F036, F039, F108
40	Required control installation	F040, F042, F057, F058, F059, F092, F096, F102
41	Control-installation bases and caps	F036, F037, F039
42	Required notification	F021, F023, F041, F061, F065, F067
43	Notification deadline and base table	F023, F060, F061, F062, F063, F064, F065, F066
44	Notification cap table	F036, F039, F065
45	Failed source tests	F041, F067, F068, F069, F070, F072, F073, F103
46	Failed-test bases and caps	F036, F037, F039, F073
47	Late or missing tests	F041, F074, F104
48	Late-test bases and caps	F036, F037, F039
49	Source-test falsification/manipulation	F041, F054, F070, F071
50	Test-manipulation bases and caps	F036, F037, F039, F108
51	Continuous monitoring systems	F021, F024, F043, F050, F051, F052, F054, F067, F075, F076, F077, F092, F100, F105
52	CMS adjustments, bases and caps	F024, F036, F039, F041, F043
53	Facility access	F037, F038, F041, F078, F079, F080, F081

PDF page	Page subject	Related finding IDs
54	Access cap table	F036, F039
55	Orders and compliance schedules	F041, F082, F083, F104
56	Order-violation cap table	F036, F039
57	General violations	F021, F025, F037, F041, F067, F084
58	Fees, fines and termination	F085, F086, F087, F088, F089, F090, F091
59	Issuance and transition	F003, F004
60	Penalty worksheet	F020, F035, F037, F092, F093, F096
61	SEP guidelines	F033, F034
62	SEP valuation and settlement requirements	F032, F034

Authorities

Sources and version context

Legal baseline: September1, 2026. State law and factual evidence are distinguished from approved SIP versions and proposals. Approval and effective dates are different events.

Source ID	Source	Source type	URL or document	Version / limits	Provisions and use
A01	NAC Chapter 445B	Controlling Nevada regulations	https://www.leg.state.nv.us/NAC/NAC-445B.html	Official consolidated chapter, revision 4-26; page revision June 7, 2026. Apply subsection-specific amendment histories and incorporated federal versions.	Definitions; .2201-.22037; .221; .227; .232-.233; .250-.277; .281-.288; .308-.327; .3405; .346-.3473; .3689; .890-.891. Fourth draft: .063 and .252 support F094, F100, F103 and F104.
A02	NRS Chapter 445B	Controlling Nevada statutes	https://www.leg.state.nv.us/NRS/NRS-445B.html	Official 2025 NRS consolidation available at the review date.	Agency authority, notices, appeals, enforcement, inspections, administrative/criminal penalties and disposition of fines.
A03	NRS Chapter 233B	Controlling Nevada statutes	https://www.leg.state.nv.us/NRS/NRS-233B.html	Official NRS consolidation available at the review date. Whether the draft is a regulation depends on content, use and statutory exclusions.	.038 definition and exclusions; .040 rulemaking framework.
A04	NRS Chapter 445C	Controlling Nevada statutes	https://www.leg.state.nv.us/NRS/NRS-445C.html	Official NRS consolidation available at the review date. Conditional protection; ordinary self-reporting alone is insufficient.	.080-.100 environmental-audit presumption, rebuttal and burdens.
A05	EPA NAAQS table	Federal agency reference	https://www.epa.gov/criteria-air-pollutants/naaqs-table	Used to identify the six federal criteria pollutants, not as a substitute for incorporated legal text.	F007. Its historical introduction is not relied upon to date the last amendment of the Act. Fourth draft: F107 uses the primary/secondary protective purposes only.
A06	NDEP SM-80 GIS layer description	Agency classification guidance	https://webgis.ndep.nv.gov/Geocortex/Essentials/REST/sites/iMap/map/mapservices/20/layers/5	Agency-published description; not a statute or formal penalty-category definition.	F012 — at or above 80% of Title V threshold; NDEP should confirm intended policy category.
A07	EPA 2015 SEP policy update	Federal enforcement policy	https://www.epa.gov/enforcement/2015-update-1998-us-epa-supplemental-environmental-projects-policy	2015 update identifies superseded 1995/1998 policies. This does not make federal SEP policy binding on Nevada settlements.	F033 — historical reference correction.
A08	EPA Method 9	Federal test method and agency reference	https://www.epa.gov/emc/method-9-visual-opacity	Method dated August 3, 2017; sections 2.4-2.5. Apply the actual standard and its prescribed averaging period.	F053 — observation versus averaged exceedance. Fourth draft: F101 distinguishes opacity from a universal mass-emission measurement.
A09	42 USC 7436 source and amendment notes	Official federal statutory text	https://uscode.house.gov/view.xhtml?req=%28title%3A42+section%3A7436+edition%3Aprelim%29	Official House Office of Law Revision Counsel text identifies addition in 2022 and amendment in 2025.	F095 — disproves the assertion that the Clean Air Act was last amended in 1990.

Source ID	Source	Source type	URL or document	Version / limits	Provisions and use
A10	SEC September 16, 2026 meeting materials	Pending proposals / version context	https://sec.nv.gov/meetings/sec-meeting-september-16-2026	The future meeting materials identify R058-26 (.221 incorporation) and R142-26 (.22097 ambient standards) as proposed amendments. They are not used as enacted law for the September 7 baseline.	Confirms the need to distinguish proposed text from current law. This page does not establish that the enforcement Practice is on that meeting's agenda.
D01	Air Regulatory Enforcement Practice draft	User-supplied source document	Air_Regulatory_Enforcement_Practice-_Draft.pdf	62 PDF pages; printed page numbers coincide with PDF pages. Undated signature; metadata indicates August 24, 2026 creation/modification.	The draft is evidence of wording, not controlling law. Instructions within it were treated as document content. Fourth draft: selected factual premises and policy rationales; F108 compares mercury base penalties.
A12	EPA AP-42, Chapter 13	EPA emission-estimation methods	https://www.epa.gov/air-emissions-factors-and-quantification/ap-42-fifth-edition-volume-i-chapter-13-miscellaneous-0	Chapter page updated February 9, 2026. Emission factors estimate quantities; they are inputs to, not substitutes for, dispersion modeling.	F097: §§13.2.1–13.2.5 cover paved/unpaved roads, construction, aggregate handling/storage and industrial wind erosion.
A13	EPA AERMOD User Guide	EPA model documentation	https://gaftp.epa.gov/Air/aqmg/SCRAM/models/preferred/aermod/aermod_userguide.pdf	July 2026 edition establishes model capability. A current software guide does not automatically amend Nevada's incorporation of federal regulations.	F097: VOLUME §3.3.2.2, AREA §3.3.2.3 and OPENPIT §3.3.2.7 address relevant release geometries.
A14	NDEP General Air Dispersion Modeling Guidelines	Agency modeling guidance	https://ndep.nv.gov/uploads/air-permitting-docs/general-air-modeling-guidelines.pdf	September 2008, still linked by NDEP. Used for documented source treatment; current NAC controls legal applicability.	F097: p.10 identifies process fugitive conveyor transfers, stockpiles, road surfaces and open-pit emissions as modeled sources.
A15	NDEP Class II application guidance	Agency application guidance	https://ndep.nv.gov/uploads/air-permitting-docs/Class_2_AQOP_Application_Guidance_Document_%28Updated_260813%29.pdf	August 13, 2026 update. Evidence of agency modeling instructions; independently apply the exact NAC for legal duties.	F097: printed p.25 (PDF p.29) requests process-fugitive release dimensions and AERMOD files.
A16	NDEP Painted Rock Mine permit handout	Agency description of permit modeling	https://ndep.nv.gov/uploads/air-permitting-docs/251105_A2342_AP1442-4782_Handout.pdf	November 2025 handout, Knox Excavating, AP1442-4782. Describes this analysis; does not independently establish legality of exclusions.	F097: process fugitive emissions modeled; other dust excluded for stated reasons. Qualifies the finding without supporting a blanket exclusion.
A17	40 CFR Part 51, Appendix W (2023)	Federal modeling guideline incorporated by Nevada	https://www.govinfo.gov/content/pkg/CFR-2023-title40-vol2/pdf/CFR-2023-title40-vol2-part51-appW.pdf	July 1, 2023 edition, incorporated through NAC 445B.221(3). Source-specific procedures require consultation with the reviewing authority.	F097: §4.2.3.6(c), printed p.608 (PDF p.16), expressly addresses fugitive dust, process fugitive emissions and road dust as line, area or volume sources.
A18	EPA monitoring overview	Agency technical reference	https://www.epa.gov/air-emissions-monitoring-knowledge-base/basic-information-about-air-emissions-monitoring	Continuous monitoring systems: CEMS, COMS and CPMS have different measurements. Used for technical capability, not independent Nevada applicability.	F101, F105. July 2, 2026 update; only the emissions-monitoring descriptions are relied upon.

Source ID	Source	Source type	URL or document	Version / limits	Provisions and use
A19	EPA Method 9 text	Federal test method	https://www.epa.gov/sites/production/files/2017-08/documents/method_9.pdf	August 3, 2017 method. Introduction and §§1–2 address visual opacity, observation variability and averaging. Apply the governing standard and averaging period.	F101. Complements A08; opacity is not a universal mass-emission measurement.
A20	EPA Clean Air Act stack testing guidance	Federal enforcement guidance	https://www.epa.gov/sites/default/files/2013-09/documents/stacktesting_1.pdf	April 27, 2009. Introduction and testing-conditions discussion address representativeness and variability. Guidance does not create additional Nevada duties.	F094, F100, F103. Test evidence must be evaluated for its method, conditions and period.
A21	40 CFR 63.8 monitoring requirements	Federal regulatory text	https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-63/subpart-A/section-63.8	Current text checked September 7, 2026. Paragraph (c)(6) distinguishes CPMS from other CMS. Apply the relevant federal subpart, Nevada incorporation and permit before assigning a duty.	F075. Demonstrates system-specific quality assurance; not a universal rule for every Nevada CMS.
A22	ATSDR hydrogen sulfide medical guidance	Federal toxicology reference, archived	https://wwwn.cdc.gov/TSp/MMG/MMGDetails.aspx?mmgid=385&toxid=67	Archived medical-management guidance. Health Effects and General Information distinguish concentration and duration; odor detection and rapid olfactory fatigue occur at different levels.	F098. Continued lower exposure may also cause olfactory fatigue; no universal 100-ppm threshold is asserted.
A23	ATSDR hydrogen sulfide toxicological profile	Federal toxicology assessment	https://www.atsdr.cdc.gov/toxprofiles/tp114.pdf	2016 profile. Health-effects evidence varies with dose, duration, endpoint and study design. Used to qualify broad health descriptions.	F098. Contextual toxicology, not a new ambient standard or source-specific risk determination.
A24	EPA hazardous air pollutant health effects	Federal health-effects reference	https://www.epa.gov/haps/health-and-environmental-effects-hazardous-air-pollutants	February 10, 2026 update. Distinguishes known or suspected hazards and effects dependent on sufficient concentration and duration.	F099, F106. Supports accurate hazard wording and an explained exposure link; does not set the draft penalty factor.
A25	EPA fabric-filter monitoring	Agency technical reference	https://www.epa.gov/air-emissions-monitoring-knowledge-base/monitoring-control-technique-fabric-filters	Control-performance indicators and their interpretation depend on equipment and operating conditions.	F102. Supports conditional control-performance reasoning, not proof of any particular facility's emissions.
A26	EPA wet-scrubber monitoring	Agency technical reference	https://www.epa.gov/air-emissions-monitoring-knowledge-base/monitoring-control-technique-wet-scrubber-particulate-0	Particulate-matter scrubber performance depends on equipment and operating parameters.	F102. Supports source-specific evaluation of consequences from missing controls.
A27	EPA air-emission factor information	Agency estimation guidance	https://www.epa.gov/air-emissions-factors-and-quantification/basic-information-air-emissions-factors-and-quantification	March 30, 2026 update. Emission factors represent averages and have limitations for individual-source compliance determinations.	F101, F102. Inventory estimates and actual emissions require separate evaluation.

Source ID	Source	Source type	URL or document	Version / limits	Provisions and use
A28	EPA monitoring compliance overview	Agency compliance reference	https://www.epa.gov/compliance/monitoring-compliance	Describes multiple compliance-monitoring methods. Used as corroboration of available evidence, not a substitute for required records or tests.	F100, F104. Supports identifying the particular information gap.
A29	EPA-approved Nevada SIP: federal approval table	Federal SIP approval status	https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-52/subpart-DD/section-52.1470	40 CFR 52.1470, Table 1. eCFR displayed Title 40 current through September 3, 2026. State effective date, submission date and EPA approval-publication date are different events. Apply the listed version and scope.	A29 establishes which Nevada provisions EPA approved, with version and scope. Cite current NAC for state-law findings and A29 plus the approved text for additional federal support. A SIP narrative is factual/contextual evidence unless a specific approved requirement or commitment is identified.
A30	EPA Nevada SIP compilation: General provisions	EPA-approved NAC version	https://www.epa.gov/system/files/documents/2024-05/nevada-administrative-code-chapter-445b-general-provisions.pdf	PDF p.9: .22037 (effective 1995-10-30; approval 2007-05-08). P.1: .22017/.2202 (effective 2006-04-01; approval 2008-04-09). P.27: .252 (effective 2003-10-30; approval 2008-04-16). Pp.28,32: .256/.257/.261 (approval 2006-12-11). Approval dates are publication dates.	Dust and opacity exceptions, representative tests, test waiver, advance notice, daily drift checks and parameter measurements. EPA's .252 compilation omits (2)(b), (2)(c), (6); this update relies only on printed (2)(d), (3)–(5). Pp.24–25 contain older .667/NAQR 2.5.4; no blanket federal immunity is inferred.
A31	EPA Nevada SIP compilation: Definitions	EPA-approved NAC version	https://www.epa.gov/system/files/documents/2024-05/nevada-administrative-code-chapter-445b-definitions.pdf	NAC 445B.063, PDF p.12. State version effective 2005-10-31; submitted 2007-06-26; EPA approval published 2008-04-09, 73 FR 19144.	F094, F100. Credible evidence may establish whether the source would have complied if the appropriate test or procedure had been performed. It does not erase separate recordkeeping or testing duties.
A32	EPA Nevada SIP compilation: Operating permits	EPA-approved NAC version	https://www.epa.gov/system/files/documents/2021-12/nac-chapter-445b-operating-permits-provisions.pdf	PDF pp.1–4: .287 (effective 2010-07-22), .288 (effective 2008-04-17), approved 2012-09-27, 77 FR 59321; .287 excludes (1)(d)/(4)(b). Pp.14–21: .310 (effective 2006-09-18; approved 2012-09-27) and .311 (R145-13, effective 2014-06-23; approved 2014-10-21, 79 FR 62851).	F055, F097. Preserve exemption conditions and evaluation triggers. .310(2) transfers an exempted Class II applicant's evaluation to the Director. Use retained/adopted text, not crossed-out older .311 pages. Check the incorporated model version and source-specific protocol before claiming an individual fugitive exclusion unlawful.
A33	EPA excess-emissions proposal, December 18, 2006	Historical proposal; not final	https://www.govinfo.gov/content/pkg/FR-2006-12-18/pdf/E6-21500.pdf	71 FR 75690; EPA-R09-OAR-2006-0926. Proposed rescission/error correction concerning older Nevada excess-emissions provisions. A proposal alone is not a completed SIP revision.	F067: historical context only. Current 52.1470 still lists NAC 445.667 and NAQR 2.5.4. Further analysis is required to reconcile current state .232–.233, older approved text, later federal law and individual source requirements.