

**Clarksville Urbanized Area Metropolitan Planning
Organization's**

**Transportation Conformity Determination Report
for the 1997 ozone NAAQS**

**Associated with the
2050 Metropolitan Transportation Plan**

Available for review:

<http://www.cuampo.com/wp-content/uploads/2023/10/Complete-2050-MTP-CDR-1.pdf>

Adopted January 11, 2024

RESOLUTION 2024-02

APPROVING THE UPDATED TRANSPORTATION CONFORMITY DETERMINATION REPORT FOR THE CLARKSVILLE AREA 2050 METROPOLITAN TRANSPORTATION PLAN (MTP)

WHEREAS, In November 1991 the United States Congress adopted new and comprehensive Clean Air Act Amendments which placed an increased emphasis on the control of mobile source air pollution;

WHEREAS, Section 174 and Section 108(e) of the 1990 Clean Air Act amendments require that preparation of the State Implementation Plan (SIP) revisions and related transportation – air quality planning activities be accomplished through Intergovernmental Consultation and coordinated with the continuing cooperative and comprehensive transportation planning process;

WHEREAS, By virtue of its role as the designated primary planning group for comprehensive urban transportation planning the Clarksville Urbanized Area Metropolitan Planning Organization (CUAMPO) is responsible for coordinating transportation-air quality planning with all transportation planning and programming activities;

WHEREAS, In April 2004, the U. S. Environmental Protection Agency (U.S. EPA) designated both Christian County, Kentucky and Montgomery County, Tennessee, which includes the Clarksville Urbanized Area as a non-attainment area for ozone based on the new eight-hour ground level ozone standard;

WHEREAS, Both Christian County, Kentucky and Montgomery County, Tennessee, were redesignated to attainment areas (i.e., with maintenance plans) for the 8-hour ozone standard by U.S. EPA after the area achieved compliance with the 8-hour ozone standard;

WHEREAS, In 2015 the MPO stopped demonstrating conformity for the 1997 8-hour ozone standard due to the revocation of the 1997 8-hour ozone standard by EPA. The decision to revoke the 1997 ozone standard was vacated by the South Coast Decision on February 16, 2018 via USCA Case No. 15-1123. As a result, the Clarksville MPO must demonstrate conformity for the MTP and TIP.

WHEREAS, Motor Vehicles Emissions Budgets (MVEB) have been established in the SIPs for both the Christian County, Kentucky and Montgomery County, Tennessee portions of the Clarksville Urbanized Area as a part of each area's 8-hour ozone maintenance plan;

WHEREAS, Interagency Consultation has taken place on the Updated Conformity Determination Report for the 2050 MTP to ensure it complies with all applicable federal regulations and guidelines;

WHEREAS; the locally developed Participation Plan has been followed. The 30-day public review period began on December 11, 2023 and ended on January 10, 2024. Said document was made available for review;

WHEREAS, members of the Clarksville Urbanized Area Metropolitan Planning Organization's Technical Coordinating Committee do concur with the findings in the report of the Updated Transportation Conformity Determinations for the 2050 MTP;

NOW THEREFORE BE IT RESOLVED that the Clarksville Urbanized Area Metropolitan Planning Organization's Executive Board endorses and recommends for approval the updated Transportation Conformity Determination for the 2050 MTP.

Resolution Approval Date:

January 11, 2024

Authorized Signature:



Mayor Joe Pitts, Chairman
MPO Executive Board

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Acknowledgement

The Clarksville Urbanized Area Metropolitan Planning Organization (CUAMPO) prepared this Transportation Conformity Determination Report (CDR) for the 2050 Metropolitan Transportation Plan (MTP). Individuals from the following agencies contributed their efforts towards the completion of the CDR. They include:

Federal Highway Administration, TN and KY Divisions

Federal Transit Administration, Region 4

Environmental Protection Agency, Region 4

Tennessee Department of Transportation (TDOT)

Kentucky Transportation Cabinet (KYTC)

TN Department of Environment & Conservation

Kentucky Energy & Environment Cabinet

TDOT and KYTC Multimodal

Clarksville Transit System

Executive Summary

As part of its transportation planning process, the CUAMPO completed the transportation conformity process for the 2050 Metropolitan Transportation Plan (MTP) adopted by the CUAMPO Executive Board on January 18, 2024 (see Appendix A for associated resolution). As part of its transportation planning process, the Clarksville MPO completed the transportation conformity process for the 2050 MTP and FY2023-FY2026 TIP. This report documents that the 2050 MTP meets the federal transportation conformity requirements in 40 CFR Part 93.

Clean Air Act (CAA) section 176(c) (42 U.S.C. 7506(c)) requires that federally funded or approved highway and transit activities are consistent with ("conform to") the purpose of the State Implementation Plan (SIP). Conformity to the purpose of the SIP means that transportation activities will not cause or contribute to new air quality violations, worsen existing violations, or delay timely attainment of the relevant National Ambient Air Quality Standard (NAAQS) or any interim milestones (42 U.S.C. 7506(c)(1)). Environmental Protection Agency (EPA's) transportation conformity rules establish the criteria and procedures for determining whether MTP, transportation improvement programs (TIPs), and federally supported highway and transit projects conform to the SIP (40 CFR Parts 51.390 and 93).

On February 16, 2018, the United States Court of Appeals for the District of Columbia Circuit in *South Coast Air Quality Mgmt. District v. EPA* ("*South Coast II*"), 882 F.3d 1138) held that transportation conformity determinations must be made in areas that were either nonattainment or maintenance for the 1997 ozone NAAQS and attainment for the 2008 ozone NAAQS when the 1997 ozone NAAQS was revoked. These conformity determinations are required in these areas after February 16, 2019. The Clarksville Metropolitan Planning Area (MPA) was "*maintenance*" at the time of the 1997 ozone NAAQS revocation on April 6, 2015 and was also designated attainment for the 2008 and 2015 ozone NAAQS on July 20, 2012 and August 3, 2018 respectively.

This CDR is being written for the 2050 MTP to address the 1997 ozone NAAQS, and is consistent with CAA requirements, existing associated regulations at 40 CFR Parts 51.390 and 93, and EPA's *Transportation Conformity Guidance for the South Coast II Court Decision* issued on November 29, 2018.

1.0 TRANSPORTATION CONFORMITY PROCESS

The concept of transportation conformity was introduced in the CAA of 1977, which included a provision to ensure that transportation investments conform to a SIP for meeting the federal air quality standards. Conformity requirements were made substantially more rigorous in the CAA Amendments of 1990. The transportation conformity regulations that detail implementation of the CAA requirements were first issued in November 1993, and have been amended several times. The regulations establish the criteria and procedures for transportation agencies to demonstrate that air pollutant emissions from MTPs, TIPs and projects are consistent with ("conform to") the State's air quality goals in the SIP. This document has been prepared for State and local officials who are involved in decision-making on transportation investments.

Transportation conformity is required under CAA Section 176(c) to ensure that federally-supported transportation activities are consistent with ("conform to") the purpose of a State's SIP. Transportation conformity establishes the framework for improving air quality to protect public health and the environment. Conformity to the purpose of the SIP means Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) funding approvals are given to highway and transit activities that will not cause new air quality violations, worsen existing air quality violations, or delay timely attainment of the relevant air quality standard, or any interim milestone.

On June 15, 2004, EPA designated both Montgomery and Christian Counties under subpart 1 of the CAA and as such is referred to as a "Basic" 8-hour ozone nonattainment area for the 1997 8-hour ozone NAAQS. Basic 8-hour ozone nonattainment areas had to attain the 8-hour ozone standard no later than June 15, 2009. On November 21, 2005, Montgomery County was re-designated as attainment with a maintenance plan. On February 24, 2006, Christian County was re-designated as attainment with a maintenance plan. Both counties maintained the 1997 8-hour ozone NAAQS and continue to be in compliance with the 2008 and 2015 8-hour ozone NAAQS. On January 3, 2022 and October 31, 2022, EPA approved a second 10-yr Limited Maintenance Plan (LMP) for the Montgomery County Area and Christian County Area respectively to provide for the maintenance of the 1997 8-hour ozone NAAQS through November 21, 2025 for the TN portion, and through February 24, 2026 for the KY portion to the end of the second 10-year portion of the maintenance period. The Federal Register Notices are in Appendix D.

CUAMPO's planning boundary includes all of Montgomery County, Tennessee and the southernmost portion of Christian County, Kentucky, including the City of Oak Grove. The remaining portion of Christian County which is outside the planning boundary, is considered a "donut" area for the purposes of implementing transportation conformity.

2.0 2050 METROPOLITAN TRANSPORTATION PLAN (MTP)

The 2050 MTP is the long-range transportation plan for the Clarksville MPA and replaces the 2045 MTP. The 2050 MTP and the associated CDR for KY and TN were adopted on January 18, 2024. A performance-based approach to metropolitan transportation planning was utilized in the development of 2050 MTP, which sets a regional vision and course of action for addressing the transportation needs of the Clarksville MPA over the next twenty-seven years. The 2050 MTP is available on the web at www.CUAMPO.com.

3.0 FY2023-FY2026 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

The FY2023-FY2026 (October 1, 2022 through September 30, 2026) TIP is a subset of the 2050 MTP. All of the projects in the FY2023-FY2026 TIP are in the 2050 MTP. The FY2023-FY2026 TIP replaces the FY2020-FY2023 TIP for the Clarksville area.

Under federal law, the TIP:

- Is developed by the MPO in cooperation with the States and public transit operators,
- Must be consistent on a project level with the approved 2050 MTP,
- Must include all regionally significant projects and those funded with federal transportation funds,
- Must include a financial plan demonstrating how the approved TIP can be implemented with existing and anticipated revenue,
- Must be incorporated directly, without change, into the STIP, and
- Must include performance measures and the anticipated effects of the TIP on achieving those targets.

The FY2023-FY2026 TIP is a product of the ongoing transportation planning process of the Clarksville MPO. The TIP identifies the timing and funding of all highway,

bridge, transit, bicycle, pedestrian, and other surface transportation projects scheduled for implementation over the next four years. This document identifies planned transportation projects and projected revenues during the time period of FY2023 to FY2026 and ensures coordination of transportation improvements by local, state, and federal agencies. The TIP is available on the www.CUAMPO.com website.

4.0 TRANSPORTATION CONFORMITY DETERMINATION: GENERAL PROCESS

Per the court's decision in South Coast II, beginning February 16, 2019, a transportation conformity determination for the 1997 ozone NAAQS will be needed in 1997 ozone NAAQS nonattainment and maintenance areas identified by EPA¹ for certain transportation activities, including updated or amended MTPs and TIPs. Once US DOT makes its 1997 ozone NAAQS conformity determination for the 2050 MTP, conformity is required no less frequently than every four years. This conformity determination report addresses transportation conformity requirements for the 2050 MTP.

5.0 TRANSPORTATION CONFORMITY REQUIREMENTS

On November 29, 2018, EPA issued Transportation Conformity Guidance for the South Coast II Court Decision² (EPA-420-B-18-050, November 2018) that addresses how transportation conformity determinations can be made in areas that were nonattainment or maintenance for the 1997 ozone NAAQS when the 1997 ozone NAAQS was revoked, but were designated attainment for the 2008 ozone NAAQS in EPA's original designations for this NAAQS (May 21, 2012).

The transportation conformity regulation at 40 CFR 93.109 sets forth the criteria and procedures for determining conformity. The conformity criteria for MTPs and TIPs include: latest planning assumptions (93.110), latest emissions model (93.111), consultation (93.112), transportation control measures, or TCMs (93.113(b) and (c)), and emissions budget and/or interim emissions test (93.118 and/or 93.119).

For the 1997 ozone NAAQS areas, transportation conformity for MTPs and TIPs for the 1997 ozone NAAQS can be demonstrated without a regional emissions analysis, per

¹ The areas identified can be found in EPA's "Transportation Conformity Guidance for the South Coast II Court Decision", EPA-420-B-18-050, available on the web at: www.epa.gov/state-and-local-transportation/policy-and-technical-guidance-state-and-local-transportation.

² Available from <https://www.epa.gov/sites/production/files/2018-11/documents/420b18050.pdf>.

40 CFR 93.109(c). This provision states that the regional emissions analysis requirement applies one year after the effective date of EPA's nonattainment designation for a NAAQS and until the effective date of revocation of such NAAQS for an area. The 1997 ozone NAAQS revocation was effective on April 6, 2015, and the South Coast II court decision upheld the revocation. As no regional emission analysis is required for this conformity determination, there is no requirement to use the latest emissions model, or budget or interim emissions tests. Therefore, transportation conformity for the 1997 ozone NAAQS for Clarksville Area MPO's 2050 MTP can be demonstrated by showing the remaining requirements in Table 1 in 40 CFR 93.109 have been met. These requirements, which are laid out in Section 2.4 of EPA's guidance and addressed below, include:

- Latest planning assumptions (40 CFR 93.110)
- Consultation (40 CFR 93.112)
- Transportation Control Measures (40 CFR 93.113) and
- Fiscal constraint (40 CFR 93.108)

5.1 LATEST PLANNING ASSUMPTIONS

The use of latest planning assumptions in 40 CFR 93.110 of the conformity rule generally apply to regional emissions analysis. In the 1997 ozone NAAQS areas, the use of latest planning assumptions requirement applies to assumptions about transportation control measures (TCMs) in an approved SIP. There are no TCMs in the Tennessee or Kentucky SIP for the Clarksville Area, meaning that the implementation of projects in the MTP will not interfere with timely implementation of TCMs.

5.2 CONSULTATION REQUIREMENTS

The consultation requirements in 40 CFR 93.112 were addressed both for interagency consultation and public consultation. Interagency consultation was conducted with Federal Highway Administration, TN and KY Divisions, Tennessee Department of Transportation (TDOT), Kentucky Transportation Cabinet (KYTC), EPA Region 4, TN Department of Environment & Conservation (TDEC), Kentucky Energy & Environment Cabinet (EEC), Federal Transit Administration Region (FTA) 4, TDOT and KYTC Multimodal, and the Clarksville Transit System. The IAC utilized email/computer conference to discuss the review of the 2050 MTP and the CDR. The interagency consultation meeting minutes and comments are included in Appendix C. Interagency consultation was conducted consistent with the Tennessee Conformity SIP and the Kentucky Conformity SIP.

Public consultation was conducted consistent with planning rule requirements in 23 CFR 450. In addition, as per CUAMPO's Participation Plan (PP) meeting guidelines were

followed. The PP is available on the web at www.CUAMPO.com. The 30 - day public comment period opened on December XX, 2023 and closed on January XX, 2024.

5.3 TIMELY IMPLEMENTATION OF TCMs

Since neither the Tennessee nor Kentucky SIP include TCMs for the Clarksville MPA, timely implementation of TCMs is satisfied.

5.4 FISCAL CONSTRAINT

Transportation conformity requirements in 40 CFR 93.108 states that MTPs and TIPs must be fiscally constrained consistent with DOT's metropolitan planning regulations at 23 CFR part 450. As demonstrated in Chapter 6, pages 42 and 43 of the 2050 MTP shown in Appendix E; and in Section 2, pages 40 and 45 of the FY2023 – FY2026 TIP, these documents are fiscally constrained.

CONCLUSION

This conformity demonstration for the 2050 MTP demonstrates that the planning documents meet the Clean Air Act and Transportation Conformity rule requirements for the 1997 8-hour ozone NAAQS.

Appendix A – 2050 MTP Resolution and the original Conformity Analysis for the 2050 MTP

Appendix B – IAC Comments

Appendix C – Public Notices & Comments Received

Appendix D – Federal Register for LMP Christian County, KY and LMP for Montgomery County, TN

Appendix E - Fiscal Constraint Tables of 2050 MTP

APPENDIX A

2050 MTP RESOLUTION

RESOLUTION 2024-01

APPROVING THE TRANSPORTATION CONFORMITY ANALYSIS FOR THE CLARKSVILLE AREA 2050 METROPOLITAN TRANSPORTATION PLAN (MTP)

WHEREAS, In November 1990, the United States Congress adopted new and comprehensive Clean Air Act Amendments, which placed an increased emphasis on the control of mobile source air pollution;

WHEREAS, Section 174 and Section 108(e) of the 1990 Clean Air Act amendments require that preparation of the State Implementation Plan (SIP) revisions and related transportation – air quality planning activities be accomplished through Intergovernmental Consultation and coordinated with the continuing cooperative and comprehensive transportation planning process;

WHEREAS, By virtue of its role as the designate primary planning group for comprehensive urban transportation planning the Clarksville Urbanized Area Metropolitan Planning Organization (CUAMPO) is responsible for coordinating transportation-air quality planning with all transportation planning and programming activities;

WHEREAS, In April 2004, the U. S. Environmental Protection Agency (U.S. EPA) designated both Christian County, Kentucky and Montgomery County, Tennessee, which includes the Clarksville Urbanized Area as a non-attainment area for ozone based on the new eight-hour ground level ozone standard;

WHEREAS, Both Christian County, Kentucky and Montgomery County, Tennessee, were redesignated to attainment areas (i.e., with maintenance plans) for the 8-hour ozone standard by U.S. EPA after the area achieved compliance with the 8-hour ozone standard;

WHEREAS, In 2015, the MPO stopped demonstrating conformity for the 2008 8-hour ozone standard due to the revocation of the 1997 8-hour ozone standard by EPA. The decision to revoke the 1997 ozone standard was vacated by the South Coast Decision on February 16, 2018 via USCA Case No. 15-1123. As a result, the Clarksville MPO must demonstrate conformity for the MTP and TIP.

WHEREAS, Interagency Consultation has taken place on a new Conformity Determination Report for the 2050 MTP to ensure it complies with all applicable federal regulations and guidelines;

WHEREAS, time for public review and comment as indicated in the Public Participation Process was given for this document;

WHEREAS, members of the Clarksville Urbanized Area Metropolitan Planning Organization's Technical Coordinating Committee do concur with the findings in the report of the Transportation Conformity Determinations for the 2050 MTP;

NOW THEREFORE BE IT RESOLVED, that the Clarksville Urbanized Area Metropolitan Planning Organization's Executive Board endorses and recommends for approval the Transportation Conformity Determinations for the 2050 MTP.

Resolution Approval Date: January XX, 2024

Authorized Signature: _____
Mayor Joe Pitts, Chairman MPO
Executive Board

APPENDIX B

IAC Comments

Marc Corrigan

Thu, Jun 29, 2:59 PM (23 hours ago)

to John, Sarah, Sean, Dianna, dasha, Jonathan, Kelly, Richard, Jill, Melanie, Kelly,
stan.williams@cityofclarksville.com, Lauren, Andres, Eric, Nick, Jahan, Mikael, Contact, me, Anna

Hello Jill,

I hope this email finds you well and getting some relief from the heat (and smoke)!

I have a couple comments/questions on the CDR:

It seems that throughout the CDR there is reference to the TIP. Is this also a conformity determination on the TIP, too?

In the bulleted list on the bottom of page 6, the 2045 MTP is mentioned. Should this be the 2050 MTP?

Where in any of the documentation (CDR or MTP) is there indication of each projects' proposed exempt/non-exempt status? I did not find it. I just probably missed it.

Some typographical recommendations for your consideration:

I noticed that some paragraphs do not have full justification as does most of the document.

Last paragraph on page 4, first line, strike "and".

Page 5, last paragraph, consider changing "areas had attained the" to "areas had to attain the".

Same paragraph, next to last line, change "portion for" to "portion; to".

Same paragraph, last sentence, change "Notice is" to "Notices are".

Let me know if you have any questions on my comments.

Marc

Jill Hall <jill.hall@cityofclarksville.com>

Attachments

Thu, Jun 29, 3:20 PM (23 hours ago)

to Marc, John, Sarah, Sean, Dianna, dasha, Jonathan, Kelly, Richard, Jill, Melanie, Kelly,
stan.williams@cityofclarksville.com, Lauren, Anna, Andres, Eric, Nick, Jahan, Mikael, Contact

Marc,

Thank you for your comments. I have made the changes in the attached document listed in your email. This is only a conformity on the 2050 MTP, not the current TIP. In the attached CDR in Appendix E - Fiscal Constraint 2050 MTP is the beginning of the list of projects and the last column shows the conformity status for each project listed.

Thank you,

Jill

Bowman, Anna M (EEC)

11:20 AM
(3 hours
ago)

to Marc, John.Ballantyne@dot.gov, Dasha, Lauren, Eric, Jahan, Mikael, Justin, me, Sarah, Sean, Dianna,

Hello Jill,

I am operating on slightly archaic technology since IT currently has my work laptop under major repair. I hope my reply comes across okay on this old laptop and I am seeing the document correctly in PDF format. My apologies if I am in error.

I also have some minor, typographical edits to suggest:

- As Marc mentioned, I am still seeing some paragraphs as either "justified" alignment or "left" alignment. For example, under the Executive Summary, the first two paragraphs are justified and then the third paragraph is left-aligned, along with a few others here and there as you move down.
- On page 4, second paragraph, maybe change: Environmental Protection Agency (EPA)'s to The Environmental Protection Agency's (EPA's)
- On page 4, third paragraph, first sentence, add a space between "in *South*"
- On page 5, third paragraph, second sentence, change "attained" to "attain"
- On page 8, under Latest Planning Assumptions, just use the MTP acronym since it is already spelled out earlier in the document.

I think that is all. Thanks and have a great weekend!

Best,

Anna Bowman

Jill Hall <jill.hall@cityofclarksville.com>

12:18 PM (2 hours ago)

to Anna, Marc, John.Ballantyne@dot.gov, Sarah, Sean, Dianna, Dasha, Jonathan, Kelly, Richard, Jill, Melanie, Kelly, stan.williams@cityofclarksville.com, Lauren, Andres, Eric, Nick, Jahan, Mikael, Justin

Thank you Anna! I'll make the changes. Have a great 4th of July weekend, Jill

The IAC met through GoToMeet virtually July 12th at 2:00 to review the document.

Simone Jarvis with EPA commented that on page 4 the last paragraph there was an error. It should read 2050 instead of 2045. This change was made to the document. The IAC had a discussion on the process of becoming a TMA and the development of the Congestion Management Process (CMP). Melanie Murphy with FHWA stated that the CMP has to be in place by the end of December 2024. The CMP will become a section in the next 2055 MTP but the 2050 MTP does not have to be amended for the CMP. There were no other comments concerning the 2050 MTP's CDR.

The following IAC members were on the call: Marc Corrigan, TDEC; Weston Freund, EPA; Simone Jarvis, EPA; Dasha Korastina, KYTC; Melanie Murphy, FHWA-TN; Anna Bowman, KYDAQ; Zachary Coleman, FHWA-KY; Lauren Hedge, KYTC; Jill Hall, Clarksville MPO.

APPENDIX C

PUBLIC NOTICES & COMMENTS RECEIVED

**INCLUDES THE PUBLIC COMMENT PERIOD
FROM December XX, 2023 AND ENDED ON January XX, 2024**

Notice of Public Meeting

The Clarksville Urbanized Area Metropolitan Planning Organization (CUAMPO) Executive Board will be meeting on Thursday, January 18, 2024, beginning at 11:00 a.m. Said meeting will be at the RPC Office, 329 Main Street, Clarksville, TN 37040. Business includes the review and adoption of Resolution 2024-01 for the updated corresponding Conformity Determination Report (CDR) for the 2050 MTP;

Said documents are available for public review during normal business hours at the MPO and available online at www.cuampo.com. The discussion of air quality and other routine business may be conducted. Anyone having questions or comments concerning these items should contact Stan Williams or Jill Hall at 931-645-7448 or email stan.williams@cityofclarksville.com jill.hall@cityofclarksville.com and/or attend this meeting. In accordance with the “Americans with Disabilities Act”, if you have a disability, for which the MPO needs to provide accommodations, please notify us of your requirements by January 12, 2024. This request does not have to be in writing. It is the policy of the MPO to ensure compliance with Title VI of the Civil Rights Act of 1964; 49 CFR part 26; No person shall be excluded from participation in or be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal funds on the grounds of Race, Color, Sex or National Origin.

APPENDIX D
FEDERAL REGISTER
LMP CHRISTIAN COUNTY, KY and
LMP MONTGOMERY COUNTY, TN

Subpart PP—South Carolina

■ 5. In § 52.2120(e), amend the table by adding a new entry for “110(a)(1) and

(2) Infrastructure Requirements for the 2015 8-Hour Ozone NAAQS” at the end of the table to read as follows:

§ 52.2120 Identification of plan.
 * * * * *
 (e) * * *

| Provision | State effective date | EPA approval date | Explanation |
|--|--|-------------------|--|
| 110(a)(1) and (2) Infrastructure Requirements for the 2015 8-Hour Ozone NAAQS. | 9/7/2018 12/2/2021, [Insert citation of publication] | Addressing | Prongs 1 and 2 of section 110(a)(2)(D)(i)(I) only. |

[FR Doc. 2021–26144 Filed 12–1–21; 8:45 am]
 BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

EPA–R04–OAR–2020–0428; FRL–8911–02–R4]

Air Plan Approval; TN; Montgomery County Limited Maintenance Plan for the 1997 8-Hour Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a state implementation plan (SIP) revision submitted by the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), Air Pollution Control Division, on June 23, 2020. The SIP revision includes the 1997 8-hour ozone national ambient air quality standards (NAAQS) Limited Maintenance Plan (LMP) for the Montgomery County, Tennessee portion of the Clarksville-Hopkinsville Area (hereinafter referred to as the “Montgomery County Area” or “Area”). The Clarksville-Hopkinsville Area is comprised of Montgomery County, Tennessee, and Christian County, Kentucky. EPA is approving Tennessee’s LMP for the Montgomery County Area because it provides for the maintenance of the 1997 8-hour ozone NAAQS within the Montgomery County Area through the end of the second 10-year portion of the maintenance period. The effect of this action would be to make certain commitments related to maintenance of the 1997 8-hour ozone NAAQS in the Montgomery County Area federally enforceable as part of the Tennessee SIP.

DATES: This rule is effective January 3, 2022.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R04–OAR–2020–0428. All

documents in the docket are listed on the www.regulations.gov website. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials can either be retrieved electronically via www.regulations.gov or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays. **FOR FURTHER INFORMATION CONTACT:** Sarah LaRocca, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–8994. Ms. LaRocca can also be reached via electronic mail at larocca.sara@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In 1979, under section 109 of the Clean Air Act (CAA or Act), EPA established primary and secondary NAAQS for ozone at 0.12 parts per million (ppm), averaged over a 1-hour period. See 44 FR 8202 (February 8, 1979). On July 18, 1997, EPA revised the primary and secondary NAAQS for ozone to set the acceptable level of ozone in the ambient air at 0.08 ppm, averaged over an 8-hour period. See 62 FR 38856 (July 18, 1997).¹ EPA set the

8-hour ozone NAAQS based on scientific evidence demonstrating that ozone causes adverse health effects at lower concentrations and over longer periods of time than was understood when the pre-existing 1-hour ozone NAAQS was set. EPA determined that the 8-hour ozone NAAQS would be more protective of human health, especially children and adults who are active outdoors, and individuals with a pre-existing respiratory disease, such as asthma.

Following promulgation of a new or revised NAAQS, EPA is required by the CAA to designate areas throughout the nation as attaining or not attaining the NAAQS. On April 15, 2004, EPA designated the Clarksville-Hopkinsville Area, which included Montgomery County, Tennessee, and Christian County, Kentucky, as nonattainment for the 1997 8-hour ozone NAAQS, and the designation became effective on June 15, 2004. See 69 FR 23858 (April 30, 2004). Similarly, on May 21, 2012, EPA designated areas as unclassifiable/attainment or nonattainment for the 2008 8-hour ozone NAAQS. EPA designated Montgomery County as unclassifiable/attainment for the 2008 8-hour ozone NAAQS. This designation became effective on July 20, 2012. See 77 FR 30088 (May 21, 2012). In addition, on November 16, 2017, areas were designated for the 2015 8-hour ozone NAAQS. The Montgomery County Area was designated attainment/unclassifiable for the 2015 8-hour ozone NAAQS, with an effective date of January 16, 2018. See 82 FR 54232 (November 16, 2017).

A state may submit a request to redesignate a nonattainment area that is attaining a NAAQS to attainment, and, if the area has met other required criteria described in section 107(d)(3)(E) of the CAA, EPA may approve the

both to 0.075 ppm. See 73 FR 16436 (March 27, 2008). Additionally, in October 2015, EPA completed a review of the primary and secondary ozone NAAQS and tightened them by lowering the level for both to 0.070 ppm. See 80 FR 65292 (October 26, 2015).

¹ In March 2008, EPA completed another review of the primary and secondary ozone NAAQS and tightened them further by lowering the level for

redesignation request.² One of the criteria for redesignation is to have an approved maintenance plan under CAA section 175A. The maintenance plan must demonstrate that the area will continue to maintain the NAAQS for the period extending ten years after redesignation, and it must contain such additional measures as necessary to ensure maintenance and such contingency provisions as necessary to assure that violations of the NAAQS will be promptly corrected. Eight years after the effective date of redesignation, the state must also submit a second maintenance plan to ensure ongoing maintenance of the NAAQS for an additional ten years pursuant to CAA section 175A(b) (*i.e.*, ensuring maintenance for 20 years after redesignation).

EPA has published long-standing guidance for states on developing maintenance plans.³ The Calcagni memo provides that states may generally demonstrate maintenance by either performing air quality modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS or by showing that projected future emissions of a pollutant and its precursors will not exceed the level of emissions during a year when the area was attaining the NAAQS (*i.e.*, attainment year inventory). See Calcagni memo at page 9. EPA clarified in three subsequent guidance memos that certain areas could meet the CAA section 175A requirement to provide for maintenance by showing that the area was unlikely to violate the NAAQS in the future, using information such as the area's design value⁴ being significantly below the standard and the area having a historically stable design value.⁵ EPA

refers to a maintenance plan containing this streamlined demonstration as an LMP.

EPA has interpreted CAA section 175A as permitting the LMP option because section 175A of the Act does not define how areas may demonstrate maintenance, and in EPA's experience implementing the various NAAQS, areas that qualify for an LMP and have approved LMPs have rarely, if ever, experienced subsequent violations of the NAAQS. As noted in the LMP guidance memoranda, states seeking an LMP must still submit the other maintenance plan elements outlined in the Calcagni memo, including: An attainment emissions inventory, provisions for the continued operation of the ambient air quality monitoring network, verification of continued attainment, and a contingency plan in the event of a future violation of the NAAQS. Moreover, a state seeking an LMP must still submit its section 175A maintenance plan as a revision to its SIP, with all attendant notice and comment procedures. While the LMP guidance memoranda were originally written with respect to certain NAAQS,⁶ EPA has extended the LMP interpretation of section 175A to other NAAQS and pollutants not specifically covered by the previous guidance memos.⁷

In a notice of proposed rulemaking (NPRM), published on September 23, 2021 (86 FR 52864), EPA proposed to approve Tennessee's LMP because the State made a showing, consistent with EPA's prior LMP guidance, that the Area's ozone concentrations are well below the 1997 8-hour ozone NAAQS and have been historically stable and that it met the other maintenance plan requirements. The details of Tennessee's submission and the rationale for EPA's action are explained in the NPRM. Comments on the September 23, 2021, NPRM were due on or before October 25, 2021. EPA did not receive any comments on the September 23, 2021, NPRM.

Joseph Paisie, OAQPS, October 6, 1995; and "Limited Maintenance Plan Option for Moderate PM₁₀ Nonattainment Areas," from Lydia Wegman, OAQPS, August 9, 2001. Copies of these guidance memoranda can be found in the docket for this rulemaking.

⁶ The prior memos addressed: Unclassifiable areas under the 1-hour ozone NAAQS, nonattainment areas for the PM₁₀ (particulate matter with an aerodynamic diameter less than 10 microns) NAAQS, and nonattainment for the carbon monoxide (CO) NAAQS.

⁷ See, *e.g.*, 79 FR 41900 (July 18, 2014) (approval of the second ten-year LMP for the Grant County 1971 SO₂ maintenance area).

II. Final Action

EPA is taking final action to approve the Montgomery County Area LMP for the 1997 8-hour ozone NAAQS, submitted by TDEC on June 23, 2020, as a revision to the Tennessee SIP. EPA is approving the Montgomery County Area LMP because it includes a sufficient update of the various elements of the 1997 8-hour ozone NAAQS Maintenance Plan approved by EPA for the first 10-year portion of the maintenance period (including emissions inventory, assurance of adequate monitoring and verification of continued attainment, and contingency provisions) and retains the relevant provisions of the SIP under sections 110(k) and 175A of the CAA.

EPA also finds that the Montgomery County Area qualifies for the LMP option and that the Montgomery County Area LMP is sufficient to provide for maintenance of the 1997 8-hour ozone NAAQS in the Clarksville-Hopkinsville Area over the second 10-year maintenance period (*i.e.*, through 2025).

III. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. See 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. This action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

² Section 107(d)(3)(E) of the CAA sets out the requirements for redesignating a nonattainment area to attainment. They include attainment of the NAAQS, full approval of the applicable SIP pursuant to CAA section 110(k), determination that improvement in air quality is a result of permanent and enforceable reductions in emissions, demonstration that the state has met all applicable section 110 and part D requirements, and a fully approved maintenance plan under CAA section 175A.

³ John Calcagni, Director, Air Quality Management Division, EPA Office of Air Quality Planning and Standards (OAQPS), "Procedures for Processing Requests to Redesignate Areas to Attainment," September 4, 1992 (Calcagni memo).

⁴ The ozone design value for a monitoring site is the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations. The design value for an ozone area is the highest design value of any monitoring site in the area.

⁵ See "Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas," from Sally L. Shaver, OAQPS, November 16, 1994; "Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas," from

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement

Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 31, 2022. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental Protection, Air Pollution Control, Incorporation by Reference, Intergovernmental Relations, Nitrogen Oxides, Ozone, Reporting and Recordkeeping Requirements, Volatile Organic Compounds.

Dated: November 26, 2021.

John Blevins,

Acting Regional Administrator, Region 4.

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

- 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

- 2. In § 52.2220 amend the table in paragraph (e) by adding, at the end of the table, the entry "1997 8-Hour Ozone Second 10-Year Limited Maintenance Plan for the Montgomery County, Tennessee Area" to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED TENNESSEE NON-REGULATORY PROVISIONS

| Name of non-regulatory SIP provision | Applicable geographic or nonattainment area | State effective date | EPA approval date | Explanation |
|--|---|----------------------|--|-------------|
| 1997 8-Hour Ozone Second 10-Year Limited Maintenance Plan for the Montgomery County, Tennessee Area. | Montgomery County | 6/10/2020 | 12/2/2021, [Insert citation of publication]. | |

* * * * *

[FR Doc. 2021-26143 Filed 12-1-21; 8:45 am]
BILLING CODE 6560-50-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 100

RIN 0906-AB27

National Vaccine Injury Compensation Program: Adding the Category of Vaccines Recommended for Pregnant Women to the Vaccine Injury Table

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Final rule.

SUMMARY: On April 4, 2018, the Secretary of Health and Human Services

(the Secretary) published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend the National Vaccine Injury Compensation Program (VICP or Program) Vaccine Injury Table (Table), consistent with the statutory requirement to include vaccines recommended by the Centers for Disease Control and Prevention (CDC) for routine administration in pregnant women. Specifically, the Secretary sought public comment regarding how the addition of this new category should be formatted on the Table. Through this final rule, the Secretary amends the Table to add "and/or pregnant women" after "children" to the existing language in Item XVII as proposed in the NPRM. This change will apply only to petitions for compensation under the VICP filed after the effective date of this final rule.

DATES: This rule is effective January 3, 2022.

FOR FURTHER INFORMATION CONTACT:

Tamara Overby, Acting Director, Division of Injury Compensation Programs, Healthcare Systems Bureau, HRSA, 5600 Fishers Lane, Room 8N146B, Rockville, MD 20857, or by telephone (855) 266-2427. This is a toll-free number.

SUPPLEMENTARY INFORMATION:

I. Background

The National Childhood Vaccine Injury Act of 1986, title III of Public Law 99-660 (42 U.S.C. 300aa-10 *et seq.*), established the VICP, a Federal compensation program for individuals thought to be injured by certain vaccines. The statute governing the VICP has been amended several times since 1986 and will be hereinafter

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart S—Kentucky

■ 2. In § 52.920(d), amend the table by:

■ a. Removing the entries for “Operating Permits for nine presses at the Alcan Foil Products facility—Louisville” and “Reynolds Metals Company”; and

■ b. Adding a new entry for “Board Order for LL Flex, LLC” at the end of the table.

The addition reads as follows:

§ 52.920 Identification of plan.

* * * * *

(d) * * *

EPA-APPROVED KENTUCKY SOURCE-SPECIFIC REQUIREMENTS

| Name of source | Permit No. | State effective date | EPA approval date | Explanations |
|------------------------------------|------------|----------------------|--|--------------|
| Board Order for LL Flex, LLC | N/A | 11/18/2020 | 9/30/2022, [Insert citation of publication]. | |

* * * * *

[FR Doc. 2022–20431 Filed 9–29–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[EPA–R04–OAR–2022–0167; FRL–10150–02–R4]

Air Plan Approval; Kentucky; Boyd and Christian County Limited Maintenance Plans for the 1997 8-Hour Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving state implementation plan (SIP) revisions submitted by the Commonwealth of Kentucky, through the Energy and Environment Cabinet (Cabinet), on March 29, 2021. The SIP revisions include the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS or standards) Limited Maintenance Plans (LMPs) for the Kentucky portion (hereinafter referred to as the Boyd County Area) of the Huntington-Ashland, WV-KY 1997 8-hour ozone maintenance area (hereinafter referred to as the Huntington-Ashland, WV-KY Area) and the Kentucky portion (hereinafter referred to as the Christian County Area) of the Clarksville-Hopkinsville, TN-KY 1997 8-hour ozone maintenance area (hereinafter referred to as the Clarksville-Hopkinsville, TN-KY Area). EPA is approving Kentucky’s LMPs for the Boyd County and Christian County Areas because they provide for the maintenance of the 1997 8-hour ozone NAAQS within these Areas through the

end of the second 10-year portion of the maintenance period. The effect of this action would be to make certain commitments related to maintenance of the 1997 8-hour ozone NAAQS in the Boyd County and Christian County Areas federally enforceable as part of the Kentucky SIP.

DATES: This rule is effective October 31, 2022.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R04–OAR–2022–0167. All documents in the docket are listed on the www.regulations.gov website. Although listed in the index, some information may not be publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials can either be retrieved electronically via www.regulations.gov or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Josue Ortiz Borrero, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–

8085. Mr. Ortiz Borrero can also be reached via electronic mail at ortizborrero.josue@epa.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

In 1979, under section 109 of the CAA, EPA established primary and secondary NAAQS for ozone at 0.12 parts per million (ppm), averaged over a 1-hour period. *See* 44 FR 8202 (February 8, 1979). On July 18, 1997, EPA revised the primary and secondary NAAQS for ozone to set the acceptable level of ozone in the ambient air at 0.08 ppm, averaged over an 8-hour period. *See* 62 FR 38856 (July 18, 1997).¹ EPA set the 8-hour ozone NAAQS based on scientific evidence demonstrating that ozone causes adverse health effects at lower concentrations and over longer periods of time than was understood when the pre-existing 1-hour ozone NAAQS was set. EPA determined that the 8-hour NAAQS would be more protective of human health, especially for children and adults who are active outdoors, and for individuals with a pre-existing respiratory disease, such as asthma.

Following promulgation of a new or revised NAAQS, EPA is required by the CAA to designate areas throughout the nation as attaining or not attaining the NAAQS. On April 15, 2004, EPA designated the Huntington-Ashland, WV-KY Area, which consists of Boyd County in Kentucky and Cabell County and Wayne County in West Virginia, and the Clarksville-Hopkinsville, TN–

¹ In March 2008, EPA completed another review of the primary and secondary ozone NAAQS and tightened them further by lowering the level for both to 0.075 ppm. *See* 73 FR 16436 (March 27, 2008). Additionally, in October 2015, EPA completed another review of the primary and secondary ozone NAAQS and tightened them by lowering the level for both to 0.070 ppm. *See* 80 FR 65292 (October 26, 2015).

KY Area, which consists of Christian County in Kentucky and Montgomery County in Tennessee, as nonattainment for the 1997 8-hour ozone NAAQS. Those designations became effective on June 15, 2004. *See* 69 FR 23858 (April 30, 2004).

Similarly, on May 21, 2012, EPA designated areas as unclassifiable/attainment or nonattainment for the 2008 8-hour ozone NAAQS. EPA designated the Boyd County and Christian County Areas as unclassifiable/attainment for the 2008 8-hour ozone NAAQS. These designations became effective on July 20, 2012. *See* 77 FR 30088 (May 21, 2012). On November 16, 2017, areas were designated for the 2015 8-hour ozone NAAQS. The Boyd County and Christian County Areas were again designated attainment/unclassifiable for the 2015 8-hour ozone NAAQS, with an effective date of January 16, 2018, for both areas. *See* 82 FR 54232 (November 16, 2017).

Pursuant to the CAA, a state may submit a request that EPA redesignate a nonattainment area that is attaining a NAAQS to attainment, and, if the area has met the criteria described in section 107(d)(3)(E) of the CAA, EPA may approve the redesignation request.² One of the criteria for redesignation is for the area to have an approved maintenance plan under CAA section 175A. The maintenance plan must demonstrate that the area will continue to maintain the NAAQS for the period extending ten years after redesignation, and it must contain such additional measures as necessary to ensure maintenance and such contingency provisions as necessary to assure that violations of the NAAQS will be promptly corrected. Eight years after the effective date of redesignation, the state must also submit a second maintenance plan to ensure ongoing maintenance of the NAAQS for an additional ten years pursuant to CAA section 175A(b) (*i.e.*, ensuring maintenance for 20 years after redesignation).

EPA has published long-standing guidance for states on developing maintenance plans. The Calcagni memo³ provides that states may

generally demonstrate maintenance by either performing air quality modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS or by showing that projected future emissions of a pollutant and its precursors will not exceed the level of emissions during a year when the area was attaining the NAAQS (*i.e.*, attainment year inventory). *See* Calcagni memo at page 9. EPA clarified in three subsequent guidance memos that certain areas can meet the CAA section 175A requirement to provide for maintenance by showing that they are unlikely to violate the NAAQS in the future, using information such as the area design values⁴ when they are well below the standard and have been historically stable.⁵ EPA refers to a maintenance plan containing this streamlined demonstration as an LMP.

EPA has interpreted CAA section 175A as permitting the LMP option because section 175A of the Act does not define how areas may demonstrate maintenance, and in EPA's experience implementing the various NAAQS, areas that qualify for an LMP and have approved LMPs have rarely, if ever, experienced subsequent violations of the NAAQS. As noted in the LMP guidance memoranda, states seeking a LMP must still submit the other maintenance plan elements outlined in the Calcagni memo, including an attainment emissions inventory, provisions for the continued operation of the ambient air quality monitoring network, verification of continued attainment, and a contingency plan in the event of a future violation of the NAAQS. Moreover, a state seeking a LMP must still submit its section 175A maintenance plan as a revision to its SIP, with all attendant notice and comment procedures. While the LMP guidance memoranda were originally written with respect to certain NAAQS,⁶

EPA has extended the LMP interpretation of section 175A to other NAAQS and pollutants not specifically covered by the previous guidance memos.⁷

In this case, EPA is approving Kentucky's LMPs because the Commonwealth has made a showing, consistent with EPA's prior LMP guidance, that ozone concentrations in the Huntington-Ashland, WV-KY and Clarksville-Hopkinsville, TN-KY Areas are well below the 1997 8-hour ozone NAAQS and have been historically stable and that the Commonwealth has met the other maintenance plan requirements. The Cabinet submitted the LMPs for the Boyd County and Christian County Areas to fulfill the CAA's second maintenance plan requirement.

On May 20, 2005, and September 29, 2006, the Cabinet submitted requests to EPA to redesignate the Christian County and Boyd County Areas, respectively, to attainment for the 1997 8-hour ozone NAAQS. Those submittals included plans, for inclusion in the Kentucky SIP, to provide for maintenance of the 1997 8-hour ozone NAAQS in the Clarksville-Hopkinsville, TN-KY Area through 2016 and in the Huntington-Ashland, WV-TN Area through 2018. EPA approved the Boyd County and the Christian County Areas' Maintenance Plans and the Commonwealth's requests to redesignate these Areas to attainment for the 1997 8-hour ozone NAAQS, effective September 4, 2007, and February 24, 2006, respectively. *See* 72 FR 43172 (August 3, 2007) and 71 FR 4047 (January 25, 2006), respectively. Kentucky's March 29, 2021, submittal contains the second 10-year maintenance plans for the 20-year maintenance period of the 1997 8-hour ozone NAAQS to ensure continued maintenance for the Clarksville-Hopkinsville, TN-KY and Huntington-Ashland, WV-TN Areas.

Section 175A(b) of the CAA requires states to submit a revision to the first maintenance plan eight years after redesignation to provide for maintenance of the NAAQS for ten additional years following the end of the first 10-year period. However, EPA's final implementation rule for the 2008 8-hour ozone NAAQS revoked the 1997 8-hour ozone NAAQS and stated that one consequence of revocation was that areas that had been redesignated to attainment (*i.e.*, maintenance areas) for

NAAQS, and nonattainment for the carbon monoxide (CO) NAAQS.

⁷ *See, e.g.*, 79 FR 41900 (July 18, 2014) (approval of the second ten-year LMP for the Grant County 1971 SO₂ maintenance area).

Planning and Standards (OAQPS), "Procedures for Processing Requests to Redesignate Areas to Attainment," September 4, 1992 (Calcagni memo).

⁴ The ozone design value for a monitoring site is the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations. The design value for an ozone area is the highest design value of any monitoring site in the area.

⁵ *See* "Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas," from Sally L. Shaver, OAQPS, November 16, 1994; "Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas," from Joseph Paisie, OAQPS, October 6, 1995; and "Limited Maintenance Plan Option for Moderate PM₁₀ Nonattainment Areas," from Lydia Wegman, OAQPS, August 9, 2001.

⁶ The prior memos addressed: unclassifiable areas under the 1-hour ozone NAAQS, nonattainment areas for the PM₁₀ (particulate matter with an aerodynamic diameter less than 10 microns)

² Section 107(d)(3)(E) of the CAA sets out the requirements for redesignating a nonattainment area to attainment. They include attainment of the NAAQS, full approval of the applicable SIP pursuant to CAA section 110(k), determination that improvement in air quality is a result of permanent and enforceable reductions in emissions, demonstration that the state has met all applicable section 110 and part D requirements, and a fully approved maintenance plan under CAA section 175A.

³ John Calcagni, Director, Air Quality Management Division, EPA Office of Air Quality

the 1997 NAAQS no longer needed to submit second 10-year maintenance plans under CAA section 175A(b). *See* 80 FR 12264, 12315 (March 6, 2015).

In *South Coast Air Quality Management District v. EPA*, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) vacated the EPA's interpretation that, because of the revocation of the 1997 8-hour ozone NAAQS, second maintenance plans were not required for "orphan maintenance areas," *i.e.*, areas that had been redesignated to attainment for the 1997 8-hour ozone NAAQS maintenance areas and were designated attainment for the 2008 ozone NAAQS. *South Coast*, 882 F.3d 1138 (D.C. Cir. 2018). Thus, states with these "orphan maintenance areas" under the 1997 8-hour ozone NAAQS must submit maintenance plans for the second maintenance period. Accordingly, on March 29, 2021, Kentucky submitted second maintenance plans for the Boyd County and Christian County Areas that show that the Areas are expected to remain in attainment of the 1997 8-hour ozone NAAQS through 2027 and 2026, respectively.

In recognition of the continuing record of air quality monitoring data showing ambient 8-hour ozone concentrations well below the 1997 8-hour ozone NAAQS in the Huntington-Ashland, WV-KY and Clarksville-Hopkinsville, TN-KY Areas, the Cabinet chose the LMP option for the development of second 1997 8-hour ozone NAAQS maintenance plans. On March 29, 2021, the Cabinet adopted the second 10-year 1997 8-hour ozone maintenance plans and also submitted the Boyd County and the Christian County Areas' LMPs to EPA as revisions to the Kentucky SIP.

In a notice of proposed rulemaking (NPRM), published on August 24, 2022 (87 FR 51933), EPA proposed to approve Kentucky's LMP because the State made a showing, consistent with EPA's prior LMP guidance, that the Area's ozone concentrations are well below the 1997 8-hour ozone NAAQS and have been historically stable and that it met the other maintenance plan requirements. The details of Kentucky's submission and the rationale for EPA's action are explained in the NPRM. Comments on the August 24, 2022, NPRM were due on or before September 14, 2022. EPA did not receive any comments on the August 24, 2022, NPRM.

II. Final Action

EPA is approving the Boyd County and Christian County Areas' LMPs for the 1997 8-hour ozone NAAQS,

submitted by the Cabinet on March 29, 2021, as revisions to the Kentucky SIP. EPA is approving the Boyd County and Christian County Areas' LMPs because they include an acceptable update of the various elements of the 1997 8-hour ozone NAAQS Maintenance Plan approved by EPA for the first 10-year period (including emissions inventory, assurance of adequate monitoring and verification of continued attainment, and contingency provisions), and essentially carry forward all of the control measures and contingency provisions relied upon in the earlier plans.

EPA also finds that the Boyd County and Christian County Areas qualify for the LMP option and that the Boyd County and Christian County Areas' LMPs adequately demonstrate maintenance of the 1997 8-hour ozone NAAQS through documentation of monitoring data showing maximum 1997 8-hour ozone levels well below the NAAQS and continuation of existing control measures. EPA believes that the Boyd County and Christian County Areas' 1997 8-Hour Ozone LMPs are sufficient to provide for maintenance of the 1997 8-hour ozone NAAQS in the Huntington-Ashland, WV-KY and Clarksville-Hopkinsville, TN-KY Areas, respectively, over the second 10-year maintenance period, through 2027 and 2026, respectively, and thereby satisfy the requirements for such a plan under CAA section 175A(b).

III. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. This action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the *Federal Register*. A major rule cannot take effect until 60 days after it is published in the *Federal Register*. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 29, 2022. Filing a petition for reconsideration by the Administrator of this final rule does not

affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 23, 2022.

Daniel Blackman,
Regional Administrator, Region 4.

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart S—Kentucky

■ 2. In § 52.920(e), amend the table by adding at the end of the table entries for “1997 8-Hour Ozone Second 10-Year Limited Maintenance Plan for the Kentucky portion of the Huntington-Ashland, WV-KY Maintenance Area” and “1997 8-Hour Ozone Second 10-Year Limited Maintenance Plan for the Kentucky portion of the Clarksville-Hopkinsville, TN-KY Maintenance Area” to read as follows:

§ 52.920 Identification of plan.

* * * * *
(e) * * *

EPA-APPROVED KENTUCKY NON-REGULATORY PROVISIONS

| Name of non-regulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/effective date | EPA approval date | Explanations |
|---|---|-------------------------------------|--|--------------|
| 1997 8-Hour Ozone Second 10-Year Limited Maintenance Plan for the Kentucky portion of the Huntington-Ashland, WV-KY Maintenance Area. | Boyd County | 3/29/2021 | 9/30/2022, [Insert citation of publication]. | |
| 1997 8-Hour Ozone Second 10-Year Limited Maintenance Plan for the Kentucky portion of the Clarksville-Hopkinsville, TN-KY Maintenance Area. | Christian County | 3/29/2021 | 9/30/2022, [Insert citation of publication]. | |

[FR Doc. 2022–21234 Filed 9–29–22; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2022–0416; FRL–9820–02–R9]

Limited Approval, Limited Disapproval of California Air Plan Revisions; California Air Resources Board

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing a limited approval and limited disapproval of California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 10 Climate Change, Article 4, Subarticle 13: Greenhouse Gas Emission Standards for Crude Oil and Natural Gas Facilities (Oil and Gas Methane Rule) into the California State Implementation Plan (SIP). These revisions concern emissions of volatile organic compounds (VOCs) from crude oil and natural gas facilities. Under the authority of the Clean Air Act (CAA or the Act), this action simultaneously approves a state rule that regulates these

emission sources and identifies deficiencies with the rule that must be corrected for the EPA to grant full approval of the rule. We are also finalizing disapprovals of the reasonably available control technology (RACT) demonstrations for the 2008 and 2015 ozone National Ambient Air Quality Standards (NAAQS) for sources covered by the EPA’s 2016 Control Techniques Guidelines for the Oil and Natural Gas Industry (Oil and Gas CTG) for the Sacramento Metropolitan Air Quality Management District (SMAQMD), San Joaquin Valley Air Pollution Control District (SVAPCD), South Coast Air Quality Management District (SCAQMD), Ventura County Air Pollution Control District (VCAPCD), and the Yolo-Solano Air Quality Management District (YSAQMD). **DATES:** This rule will be effective on October 31, 2022.

ADDRESSES: The EPA has established a docket for this action under Docket No. EPA–R09–OAR–2022–0416. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on

the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Nicole Law, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947–4126 or by email at law.nicole@epa.gov. Donnique Sherman, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947–4129 or by email at sherman.donnique@epa.gov. Sina Schwenk-Mueller, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947–4100 or by email at SchwenkMueller.Sina@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, “we,” “us,” and “our” refer to the EPA.

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APPENDIX E – Fiscal Constraint

2050 MTP

SECTION 6: STAGED IMPROVEMENT PROGRAM

ROADWAY CAPITAL AND MAINTENANCE PROJECTS

The fiscally constrained plan is the list of capital and maintenance transportation projects that best addresses the needs of the region and can be implemented within the anticipated available funding. *Technical Report #5: Plan Development* describes project development, cost estimates, prioritization, and implementation.

The first projects planned for implementation are identified in the Existing Plus Committed (E+C) Transportation Network. Displayed in **Table 6**, the E+C Transportation Network are roadways which are open to traffic, currently under construction, or identified in the Transportation Improvement Program (TIP) with programmed construction funding. The remaining transportation projects comprising the MPA's fiscally constrained list are displayed in **Table 7**. These projects were identified by the member agencies and the general public for prioritized construction using the remaining funds forecasted to be available.

The MPA's visionary projects, shown in **Table 8**, are unfunded or unprogrammed in the fiscally constrained list of projects. The MTP's financial summary is displayed in **Table 9**.

TABLE 6: CLARKSVILLE URBANIZED AREA MPO EXISTING PLUS COMMITTED PROJECTS

| Project ID | Roadway | Location | Improvement | Opening Year | Conformity Status |
|------------|----------------|--|--|--------------|-------------------|
| 3 | Dunbar Cave Rd | 0.07 mile south of Moss Rd to Rossvie Rd | Realignment | 2024 | Non-Exempt |
| | Rossvie Rd | Before Keysburg Rd to Cardinal Ln Cardinal Ln to Powell Rd | Widen from 2 to 3 Lanes Widen from 2 to 5 Lanes | 2024 | Non-Exempt |
| 4 | KY-911 | US 41A to KY- 115 | Widen from 2 to 5 Lanes | 2024 | Non-Exempt |
| 8 | SR-374 | South of Dunbar Cave Rd to West of Stokes Rd | Widen from 2 to 5 Lanes | Complete | Complete |
| 9 | SR-149/SR-13 | SR-149 from River Rd to SR-13 SR-13 from SR-149 to Zinc Plant Rd | Widen from 2 to 5 Lanes | 2023 | Non-Exempt |

TABLE 7: FISCALLY CONSTRAINT PROJECTS WITHIN THE MPA

| MTP ID | Roadway | Limits | Project Description | Length | State | Total Stage (YOE) Cost | Funding Source | Conformity Status |
|----------------------------|-------------------------------|---|--|--------|-------|------------------------|----------------------------|-------------------|
| Stage 1 (2023 – 2026, TIP) | | | | | | | | |
| 6 | SR-374 PROP | SR-76 to South of Dotsonville Rd | Right-of-Way | 2.9 | TN | \$3,200,000 | HPP/STBG – S | Non-Exempt |
| 50 | Wilma Rudolph Blvd | Industrial Park Access Rd to SR-374 | Adaptive Signal System | 2.47 | TN | \$955,440 | CMAQ | Exempt |
| 91 | Spring Creek Pkwy | Trenton Rd to Spring Creek | New 4/5 Lane Roadway | 1.44 | TN | \$13,000,000 | Local | Non-Exempt |
| 92 | Spring Creek Pkwy | Spring Creek to Wilma Rudolph Blvd | New 4/5 Lane Roadway with Bridge | 0.88 | TN | \$13,000,000 | STBG – L/Local | Non-Exempt |
| 94 | SR-48/Trenton Rd | SR-374 to I-24 | Widen to 5 lanes | 3.7 | TN | \$23,000,000 | STBG - S | Non-Exempt |
| 95 | SR-237/Rossvie Rd | east of International Blvd. to east of Kirkwood Rd | Widen to 5 lanes | 3.12 | TN | \$9,002,211 | STBG - L | Non-Exempt |
| 96 | I-24 | KY/TN State line to SR-76 | Widening 4 to 6 lanes - Design | -- | TN | \$2,000,000 | NHPP | Non-Exempt |
| 97 | I-24 | I-24 @ KY-115 Interchange | Interchange Reconstruction Design and Study | -- | KY | \$700,000 | KY SPP- State Construction | Non-Exempt |
| 101 | Lafayette Rd | Walnut Grove Rd through Ft Campbell Gate | Widen from 2 to 5 Lanes | 0.37 | TN | \$2,330,000 | STBG - L | Non-Exempt |
| 1001 | Enhancement - TN | Varies | Line-Item Operation and Maintenance Funding | -- | TN | \$4,212,134 | Varies | Exempt |
| 1002 | Safety - TN | Varies | Line-Item Operation and Maintenance Funding | -- | TN | \$21,061,226 | Varies | Exempt |
| 1003 | Bridge - TN | Varies | Line-Item Operation and Maintenance Funding | -- | TN | \$57,918,301 | Varies | Exempt |
| 1004 | Overlay - TN | Varies | Line-Item Operation and Maintenance Funding | -- | TN | \$42,122,451 | Varies | Exempt |
| 1005 | Maintenance - TN | Varies | Line-Item Operation and Maintenance Funding | -- | TN | \$6,318,340 | Varies | Exempt |
| 1006 | Reconstruction - TN | Varies | Line-Item Operation and Maintenance Funding | -- | TN | \$78,979,527 | Varies | Exempt |
| 1011 | Enhancement - KY | Varies | Line-Item Operation and Maintenance Funding | -- | KY | \$121,579 | Varies | Exempt |
| 1012 | Safety - KY | Varies | Line-Item Operation and Maintenance Funding | -- | KY | \$607,910 | Varies | Exempt |
| 1013 | Bridge - KY | Varies | Line-Item Operation and Maintenance Funding | -- | KY | \$1,671,750 | Varies | Exempt |
| 1014 | Overlay - KY | Varies | Line-Item Operation and Maintenance Funding | -- | KY | \$1,215,819 | Varies | Exempt |
| 1015 | Maintenance - KY | Varies | Line-Item Operation and Maintenance Funding | -- | KY | \$182,372 | Varies | Exempt |
| 1016 | Reconstruction - KY | Varies | Line-Item Operation and Maintenance Funding | -- | KY | \$2,279,659 | Varies | Exempt |
| Stage 2 (2027 – 2030) | | | | | | | | |
| 55 | SR-12/Ashland City Rd | @ Excell Rd, Hickory Point Rd, and East Old Ashland City Rd | Intersection Improvements | -- | TN | \$4,068,771 | STBG - L | Exempt |
| 609 | Varies | Varies | Signal Retiming Project in City of Clarksville | -- | TN | \$93,074 | CMAQ | Exempt |
| 608 | Passenger Rail Study | Clarksville to Nashville | Study for Passenger Rail Feasibility | -- | TN | \$93,074 | CMAQ | Exempt |
| 602 | US 79/Wilma Rudolph Boulevard | Kraft St to I-24 | Access Management and Safety Study | -- | TN | \$93,074 | HSIP | Exempt |

| | | | | | | | | |
|------|------------------------------|---|---|------|----|---------------|----------------------------|------------|
| 215 | Tylertown Road | Trenton Rd to Oakland Rd | Widen to 4 Lanes | 1.68 | TN | \$13,043,127 | Local | Non-Exempt |
| 316 | Needmore Road | Wilma Rudolph Blvd to Trenton Road | Widen to 4 Lanes | 0.95 | TN | \$7,365,430 | Local | Non-Exempt |
| 312 | Hazelwood Rd | Trenton Rd to Needmore | Widen from 2 to 5 Lanes | 1.99 | TN | \$20,338,801 | Local | Non-Exempt |
| 408 | Madison Street | 10th Street to Pageant Lane | Widen from 3 Lanes to 4 Lanes | 0.53 | TN | \$4,109,603 | Local | Non-Exempt |
| 308 | Whitfield Rd/ Old Trenton Rd | Needmore Rd to SR-374 | Reconstruct with CTL | 0.22 | TN | \$927,941 | Local | Non-Exempt |
| 311 | New Roadway | 9th St to 10th St | New 2 Lane Roadway | 0.13 | TN | \$883,335 | Local | Non-Exempt |
| 214 | I-24 | @ Exit 8 EB Off Ramp | Widen to 2 Lanes | 0.25 | TN | \$8,376,655 | NHPP | Non-Exempt |
| 202 | Peachers Mill Rd | Pine Mountain Rd to Stonecrossing Dr | Widen from 3 to 4 Lanes | 0.54 | TN | \$4,207,865 | STBG - L | Non-Exempt |
| 309 | Dixie Bee Rd Ext | Sango Rd to US 41A | New 2 Lane Roadway | 0.67 | TN | \$4,493,580 | STBG - L | Non-Exempt |
| 201 | SR-374 (Warfield Blvd) | Memorial Dr to Dunbar Cave Rd | Widen from 2 to 4 Lanes | 2.07 | TN | \$16,073,948 | STBG - S | Non-Exempt |
| 212 | SR-374 (Richview Rd) | Memorial Dr to US 41A (Madison St) | Widen from 3 to 5 Lanes | 0.78 | TN | \$6,017,076 | STBG - S | Non-Exempt |
| 205 | SR-48 (Trenton Rd) | SR-13/US79 (Wilma Rudolph Blvd) to SR-374 | Widen from 2 to 5 Lanes | 1.03 | TN | \$10,568,928 | STBG - S | Non-Exempt |
| 213 | SR 13/48 | River Road to Old Hwy 48 | Center Turn Lane | 1.03 | TN | \$4,328,823 | STBG - S | Non-Exempt |
| 405 | SR 48 (College St) | N 2nd St (US 41A) to Kraft St | Widen to 6 Lanes | 1.43 | TN | \$11,054,431 | STBG - S | Non-Exempt |
| 310 | SR-236 (Tiny Town Rd) Ext | Extension to Meriwether Rd | New 2 Lane Roadway | 0.75 | TN | \$5,036,990 | STBG - S | Non-Exempt |
| 209 | SR-374 (Richview Rd Ext) | SR-12 (Madison St) to US 41A Bypass | New 4 Lane Roadway | 0.97 | TN | \$13,221,745 | STBG - S | Non-Exempt |
| 406 | SR 48 (College St) | Riverside Dr to N 2nd St (US 41A) | Widen to 4 Lanes | 0.24 | TN | \$1,884,747 | STBG - S | Non-Exempt |
| 413 | SR 76 | I-24 to Woodson Rd | Reconstruct with CTL | 0.7 | TN | \$2,947,412 | STBG - S | Non-Exempt |
| 104 | KY-115 (Pembroke) | I-24 to KY-1453 (Elmo @ Barker's Mill Rd) | Reconstruct with CTL | 1.17 | KY | \$4,943,773 | KY SPP- State Construction | Non-Exempt |
| 401 | Ft Campbell Gate 4 Ext | US 41A (Ft Campbell Blvd) to KY-115 (Pembroke-Oak Grove Rd) | New 2 Lane Roadway | 1.23 | KY | \$8,275,961 | KY STBG-S | Non-Exempt |
| 2001 | Enhancement - TN | Varies | Line-Item Operation and Maintenance Funding | -- | TN | \$10,398,335 | Varies | Exempt |
| 2002 | Safety - TN | Varies | Line-Item Operation and Maintenance Funding | -- | TN | \$51,993,050 | Varies | Exempt |
| 2003 | Bridge - TN | Varies | Line-Item Operation and Maintenance Funding | -- | TN | \$142,980,717 | Varies | Exempt |
| 2004 | Overlay - TN | Varies | Line-Item Operation and Maintenance Funding | -- | TN | \$103,986,101 | Varies | Exempt |
| 2005 | Maintenance - TN | Varies | Line-Item Operation and Maintenance Funding | -- | TN | \$15,597,846 | Varies | Exempt |
| 2006 | Reconstruction - TN | Varies | Line-Item Operation and Maintenance Funding | -- | TN | \$194,973,767 | Varies | Exempt |
| 2011 | Enhancement - KY | Varies | Line-Item Operation and Maintenance Funding | -- | KY | \$361,253 | Varies | Exempt |
| 2012 | Safety - KY | Varies | Line-Item Operation and Maintenance Funding | -- | KY | \$1,806,313 | Varies | Exempt |

| | | | | | | | | |
|------------------------------|-------------------------------------|---|--|------|----|---------------|----------------------------|------------|
| 2013 | Bridge - KY | Varies | Line-Item Operation and Maintenance Funding | -- | KY | \$4,967,354 | Varies | Exempt |
| 2014 | Overlay - KY | Varies | Line-Item Operation and Maintenance Funding | -- | KY | \$3,612,626 | Varies | Exempt |
| 2015 | Maintenance - KY | Varies | Line-Item Operation and Maintenance Funding | -- | KY | \$541,891 | Varies | Exempt |
| 2016 | Reconstruction - KY | Varies | Line-Item Operation and Maintenance Funding | -- | KY | \$6,773,667 | Varies | Exempt |
| Stage 3 (2031 – 2040) | | | | | | | | |
| 317 | Rossvie Road | SR 374 to Dunbar Cave Rd | Widen to 5 Lanes | 1.52 | TN | \$20,416,576 | Local | Non-Exempt |
| 314 | Dunbar Cave Road | Wilma Rudolph Blvd (US 79/SR 13) to Rossvie Rd (SR 237) | Widen to 4 Lanes | 4.42 | TN | \$45,087,222 | Local | Non-Exempt |
| 207 | Professional Park Dr Ext | Extension to Cardinal Ln | New 2 Lane Roadway | 2.19 | TN | \$19,280,666 | Local | Non-Exempt |
| 301 | Jack Miller Blvd Ext | Tobacco Rd to Peachers Mill Rd | New 4 Lane Roadway | 1.95 | TN | \$34,971,033 | Local | Non-Exempt |
| 612 | Dunlop Ln | Alexander Blvd to Rollow Ln | Widen to 4 Lanes Divided | 1.88 | TN | \$32,476,706 | Local | Non-Exempt |
| 407 | US 79 (Providence Blvd) | US 41A/Fort Campbell Blvd to Red River | Widen to 6 Lanes | 1.6 | TN | \$16,283,793 | NHPP | Non-Exempt |
| 601 | US 79/Wilma Rudolph Boulevard | SR 374/Warfield Blvd to I-24 | Widen from 6 Lanes with CTL to 6 Lanes Divided | 2.05 | TN | \$20,922,918 | NHPP | Non-Exempt |
| 409 | Riverside Drive | Providence Blvd to Cumberland Dr | Road Diet | 2.36 | TN | \$25,589,113 | STBG - L | Non-Exempt |
| 501 | Spring Creek Pkwy | US 79/Wilma Rudolph Blvd to Ted Crozier Blvd | New 4/5 Lane Roadway | 0.8 | TN | \$14,285,215 | STBG - L | Non-Exempt |
| 610 | SR-374/101st Airborne Division Pkwy | US 41A/Fort Campbell Blvd to US 79/Wilma Rudolph Blvd | Widen to 6 Lanes | 6.12 | TN | \$62,455,841 | STBG - S | Non-Exempt |
| 607 | SR-374 Extension North Phase 1 | Dotsonville Rd to US 79/SR 6 (Dover Rd) | New 4 Lane Divided Roadway | 2.86 | TN | \$55,840,559 | STBG - S | Non-Exempt |
| 103 | KY-115 (Pembroke- Oak Grove Rd) | KY-400 (State Line Rd) to I-24 | Reconstruct with CTL | 2.56 | KY | \$14,239,072 | KY SPP- State Construction | Non-Exempt |
| 102 | KY-400 (State Line Rd) | US 41A (Ft Campbell Blvd) to KY-115 (Pembroke-Oak Grove Rd) | Reconstruct with CTL | 1.38 | KY | \$7,672,689 | KY SPP- State Construction | Non-Exempt |
| 303 | KY-1453 (Elmo Rd) | US 41A (Ft Campbell Blvd) to KY-115 (Pembroke-Oak Grove Rd) | Reconstruct with CTL | 4.18 | KY | \$23,219,980 | KY STBG-S | Non-Exempt |
| 3001 | Enhancement - TN | Varies | Line-Item Operation and Maintenance Funding | -- | TN | \$34,393,148 | Varies | Exempt |
| 3002 | Safety - TN | Varies | Line-Item Operation and Maintenance Funding | -- | TN | \$171,970,289 | Varies | Exempt |
| 3003 | Bridge - TN | Varies | Line-Item Operation and Maintenance Funding | -- | TN | \$472,917,727 | Varies | Exempt |
| 3004 | Overlay - TN | Varies | Line-Item Operation and Maintenance Funding | -- | TN | \$343,940,579 | Varies | Exempt |
| 3005 | Maintenance - TN | Varies | Line-Item Operation and Maintenance Funding | -- | TN | \$51,590,859 | Varies | Exempt |
| 3006 | Reconstruction - TN | Varies | Line-Item Operation and Maintenance Funding | -- | TN | \$644,888,017 | Varies | Exempt |

| | | | | | | | | |
|------------------------------|--------------------------------|---|---|------|----|---------------|----------------------------|------------|
| 3011 | Enhancement - KY | Varies | Line-Item Operation and Maintenance Funding | -- | KY | \$1,112,010 | Varies | Exempt |
| 3012 | Safety - KY | Varies | Line-Item Operation and Maintenance Funding | -- | KY | \$5,560,197 | Varies | Exempt |
| 3013 | Bridge - KY | Varies | Line-Item Operation and Maintenance Funding | -- | KY | \$15,290,524 | Varies | Exempt |
| 3014 | Overlay - KY | Varies | Line-Item Operation and Maintenance Funding | -- | KY | \$11,120,395 | Varies | Exempt |
| 3015 | Maintenance - KY | Varies | Line-Item Operation and Maintenance Funding | -- | KY | \$1,668,052 | Varies | Exempt |
| 3016 | Reconstruction - KY | Varies | Line-Item Operation and Maintenance Funding | -- | KY | \$20,850,722 | Varies | Exempt |
| Stage 4 (2041 – 2050) | | | | | | | | |
| 410 | Tiny Town Road | US 41A to Trenton Rd | Widen to 6 Lanes with CTL | 6.84 | TN | \$136,354,664 | Local | Non-Exempt |
| 210 | Kennedy Ln Ext | Extension to Meriwether Rd | New 2 Lane Roadway | 1.08 | TN | \$14,082,051 | Local | Non-Exempt |
| 206 | New Roadway | Fair Brook Place to Needmore Rd | New 3 Lane Roadway | 1.35 | TN | \$24,132,649 | Local | Non-Exempt |
| 307 | Needmore Rd | Hazelwood Rd to SR-236 (Tiny Town Rd) | Reconstruct with CTL | 0.92 | TN | \$7,597,531 | Local | Non-Exempt |
| 313 | Cumberland Dr | Ashland City Rd (SR 12) to Madison St (SR 76) | Widen to 4 Lanes | 1.85 | TN | \$27,907,353 | Local | Non-Exempt |
| 411 | US 79/Wilma Rudolph Boulevard | US 79/Kraft St to SR 374/Warfield Blvd | Widen from 5 Lanes to 6 Lanes Divided | 3.03 | TN | \$45,735,460 | NHPP | Non-Exempt |
| 208 | International Blvd Ext | SR-237 (Rossvie Rd) to SR-76 to Trough Springs Rd | New 2 Lane Roadway | 3.77 | TN | \$49,251,452 | STBG - L | Non-Exempt |
| 604 | Shady Bluff Trail | SR-374/Warfield Blvd to Dunbar Cave Rd | New 4 Lane Roadway | 1.02 | TN | \$26,997,696 | STBG - L | Non-Exempt |
| 412 | SR-374 Ext | SR-13/48 to SR-12 | New 2 Lane Roadway and Bridge | 5.26 | TN | \$129,104,562 | STBG - S | Non-Exempt |
| 606 | SR-374 Extension North Phase 2 | SR-149 to Dotsonville Rd | New 4 Lane Divided Roadway and Bridge | 4.25 | TN | \$243,694,861 | STBG - S | Non-Exempt |
| 305 | Hugh Hunter/ Gritton Church Rd | KY-911 (Thompsonville Ln) to Allen Rd | Reconstruction | 1.92 | KY | \$15,794,580 | KY SPP- State Construction | Non-Exempt |
| 204 | KY-109 (Bradshaw Rd) | KY-1453 (Elmo Rd) to Bradshaw-Fidelio Rd | Reconstruct with CTL | 1.36 | KY | \$11,179,491 | KY SPP- State Construction | Non-Exempt |
| 306 | Ft Campbell Gate 5 Ext | US 41A (Ft Campbell Blvd) to KY-115 (Pembroke-Oak Grove Rd) | New 2 Lane Roadway | 1.48 | KY | \$19,380,093 | KY STBG-S | Non-Exempt |
| 4001 | Enhancement - TN | Varies | Line-Item Operation and Maintenance Funding | -- | TN | \$50,910,260 | Varies | Exempt |
| 4002 | Safety - TN | Varies | Line-Item Operation and Maintenance Funding | -- | TN | \$254,558,038 | Varies | Exempt |
| 4003 | Bridge - TN | Varies | Line-Item Operation and Maintenance Funding | -- | TN | \$700,033,763 | Varies | Exempt |
| 4004 | Overlay - TN | Varies | Line-Item Operation and Maintenance Funding | -- | TN | \$509,116,076 | Varies | Exempt |

| | | | | | | | | |
|------|---------------------|--------|---|----|----|---------------|--------|--------|
| 4005 | Maintenance - TN | Varies | Line-Item Operation and Maintenance Funding | -- | TN | \$76,367,075 | Varies | Exempt |
| 4006 | Reconstruction - TN | Varies | Line-Item Operation and Maintenance Funding | -- | TN | \$954,591,801 | Varies | Exempt |
| 4011 | Enhancement - KY | Varies | Line-Item Operation and Maintenance Funding | -- | KY | \$1,499,643 | Varies | Exempt |
| 4012 | Safety - KY | Varies | Line-Item Operation and Maintenance Funding | -- | KY | \$7,498,414 | Varies | Exempt |
| 4013 | Bridge - KY | Varies | Line-Item Operation and Maintenance Funding | -- | KY | \$20,620,612 | Varies | Exempt |
| 4014 | Overlay - KY | Varies | Line-Item Operation and Maintenance Funding | -- | KY | \$14,996,827 | Varies | Exempt |
| 4015 | Maintenance - KY | Varies | Line-Item Operation and Maintenance Funding | -- | KY | \$2,249,514 | Varies | Exempt |
| 4016 | Reconstruction - KY | Varies | Line-Item Operation and Maintenance Funding | -- | KY | \$28,119,026 | Varies | Exempt |

| | Stage 1 (2023 – 2026 TIP) | | | Stage 2 (2027 – 2030) | | | Stage 3 (2031-2040) | | | Stage 4 (2041-2050) | | | Total Staged Program | | |
|----------------------------|---------------------------|---------------|--------------|-----------------------|---------------|--------------|---------------------|-----------------|---------------|---------------------|-----------------|---------------|----------------------|-----------------|---------------|
| | Program Cost | Revenue | Balance | Program Cost | Revenue | Balance | Program Cost | Revenue | Balance | Program Cost | Revenue | Balance | Program Cost | Revenue | Balance |
| FLAP | \$1,664,000 | \$1,664,000 | \$0 | \$0 | \$2,493,119 | \$2,493,119 | \$0 | \$8,246,148 | \$8,246,148 | \$0 | \$12,206,314 | \$12,206,314 | \$1,664,000 | \$24,609,581 | \$22,945,581 |
| HIP | \$0 | \$801,769 | \$801,769 | \$0 | \$1,149,898 | \$1,149,898 | \$0 | \$3,803,359 | \$3,803,359 | \$0 | \$5,629,901 | \$5,629,901 | \$0 | \$11,384,926 | \$11,384,926 |
| NHPP | \$1,600,000 | \$17,000,000 | \$15,400,000 | \$7,538,990 | \$10,645,992 | \$3,107,002 | \$29,765,369 | \$35,212,289 | \$5,446,920 | \$36,588,368 | \$52,122,789 | \$15,534,422 | \$75,492,726 | \$114,981,070 | \$39,488,344 |
| STBG - S | \$17,600,000 | \$22,252,000 | \$4,652,000 | \$56,907,281 | \$62,667,348 | \$5,760,068 | \$94,637,120 | \$207,276,202 | \$112,639,082 | \$298,239,538 | \$306,819,414 | \$8,579,876 | \$467,383,939 | \$599,014,964 | \$131,631,025 |
| STBG - L | \$25,001,789 | \$31,281,156 | \$6,279,367 | \$10,216,173 | \$13,248,968 | \$3,032,795 | \$34,458,374 | \$43,821,795 | \$9,363,421 | \$60,999,318 | \$64,866,962 | \$3,867,644 | \$130,675,653 | \$153,218,881 | \$22,543,227 |
| STBG - TA | \$0 | \$1,818,233 | \$1,818,233 | \$0 | \$2,882,789 | \$2,882,789 | \$0 | \$9,535,006 | \$9,535,006 | \$0 | \$14,114,138 | \$14,114,138 | \$0 | \$28,350,166 | \$28,350,166 |
| CMAQ | \$0 | \$955,440 | \$955,440 | \$148,918 | \$1,766,529 | \$1,617,611 | \$0 | \$5,842,906 | \$5,842,906 | \$0 | \$8,648,928 | \$8,648,928 | \$148,918 | \$17,213,803 | \$17,064,885 |
| HSIP | \$0 | \$540,000 | \$540,000 | \$83,767 | \$2,610,800 | \$2,527,034 | \$0 | \$8,635,387 | \$8,635,387 | \$0 | \$12,782,482 | \$12,782,482 | \$83,767 | \$24,568,669 | \$24,484,903 |
| HSIP - R | \$0 | \$90,000 | \$90,000 | \$0 | \$129,078 | \$129,078 | \$0 | \$426,934 | \$426,934 | \$0 | \$631,966 | \$631,966 | \$0 | \$1,277,978 | \$1,277,978 |
| HPP (Earmark) | \$1,920,000 | \$2,400,000 | \$480,000 | \$0 | \$2,296,488 | \$2,296,488 | \$0 | \$7,595,778 | \$7,595,778 | \$0 | \$11,243,607 | \$11,243,607 | \$1,920,000 | \$23,535,872 | \$21,615,872 |
| State Match - TN | \$5,480,422 | \$10,563,442 | \$5,083,020 | \$15,111,023 | \$19,359,639 | \$4,248,616 | \$33,659,534 | \$64,033,225 | \$30,373,691 | \$83,706,976 | \$94,784,815 | \$11,077,838 | \$137,957,955 | \$188,741,120 | \$50,783,165 |
| State Match - KY | \$0 | \$1,600,000 | \$1,600,000 | \$1,655,192 | \$2,195,255 | \$540,062 | \$4,643,996 | \$6,401,779 | \$1,757,783 | \$3,876,019 | \$7,958,105 | \$4,082,086 | \$10,175,207 | \$18,155,138 | \$7,979,931 |
| Local Match - TN | \$8,266,000 | \$8,311,766 | \$45,766 | \$2,554,043 | \$26,472,297 | \$23,918,254 | \$2,857,043 | \$87,558,791 | \$84,701,748 | \$15,249,829 | \$129,608,400 | \$114,358,570 | \$28,926,916 | \$251,951,254 | \$223,024,338 |
| Local - TN | \$26,000,000 | \$32,886,161 | \$6,886,161 | \$46,668,237 | \$47,165,357 | \$497,120 | \$152,232,203 | \$156,002,389 | \$3,770,186 | \$210,074,248 | \$230,921,645 | \$20,847,397 | \$434,974,687 | \$466,975,551 | \$32,000,864 |
| KY STBG-S | \$0 | \$6,400,000 | \$6,400,000 | \$6,620,769 | \$11,868,095 | \$5,247,327 | \$18,575,984 | \$34,609,618 | \$16,033,634 | \$0 | \$43,023,503 | \$43,023,503 | \$25,196,753 | \$95,901,217 | \$70,704,464 |
| KY SPP- State Construction | \$0 | \$7,390,000 | \$7,390,000 | \$4,943,773 | \$10,139,332 | \$5,195,560 | \$21,911,761 | \$29,568,217 | \$7,656,456 | \$26,974,071 | \$36,756,496 | \$9,782,424 | \$53,829,605 | \$83,854,045 | \$30,024,440 |
| Total Capital Improvements | \$87,532,211 | \$145,953,967 | \$58,421,756 | \$152,448,165 | \$217,090,984 | \$64,642,819 | \$392,741,384 | \$708,569,823 | \$315,828,439 | \$735,708,367 | \$1,032,119,462 | \$296,411,095 | \$1,368,430,126 | \$2,103,734,236 | \$735,304,110 |
| Total Tennessee O&M | \$210,611,978 | \$210,611,978 | \$0 | \$519,929,816 | \$519,929,816 | \$0 | \$1,719,700,619 | \$1,719,700,619 | \$0 | \$2,545,577,013 | \$2,545,577,013 | \$0 | \$4,995,819,426 | \$4,995,819,426 | \$0 |
| Total Kentucky O&M | \$6,079,089 | \$6,079,089 | \$0 | \$18,063,104 | \$18,063,104 | \$0 | \$55,601,900 | \$55,601,900 | \$0 | \$74,984,036 | \$74,984,036 | \$0 | \$154,728,130 | \$154,728,130 | \$0 |
| Transit Capital | \$0 | \$25,734,518 | \$25,734,518 | \$0 | \$15,697,519 | \$15,697,519 | \$0 | \$51,920,533 | \$51,920,533 | \$0 | \$76,855,072 | \$76,855,072 | \$0 | \$170,207,642 | \$170,207,642 |
| Transit O&M | \$22,308,128 | \$22,308,128 | \$0 | \$17,341,653 | \$17,341,653 | \$0 | \$57,358,608 | \$57,358,608 | \$0 | \$84,904,752 | \$84,904,752 | \$0 | \$181,913,141 | \$181,913,141 | \$0 |
| Total Transit | \$22,308,128 | \$48,042,646 | \$25,734,518 | \$17,341,653 | \$33,039,172 | \$15,697,519 | \$57,358,608 | \$109,279,141 | \$51,920,533 | \$84,904,752 | \$161,759,824 | \$76,855,072 | \$181,913,141 | \$352,120,783 | \$170,207,642 |
| Total MTP | \$326,531,406 | \$410,687,680 | \$84,156,274 | \$707,782,737 | \$788,123,075 | \$80,340,338 | \$2,225,402,511 | \$2,593,151,483 | \$367,748,972 | \$3,441,174,168 | \$3,814,440,336 | \$373,266,167 | \$6,700,890,823 | \$7,606,402,575 | \$905,511,752 |