

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

**Short Conformity Determination Report for the 1997 Ozone  
NAAQS**

Associated with the:

**Amendment 1 TN – For 2050 Metropolitan Transportation  
Plan (MTP)**

**TDOT Amendment 104 - (Clarksville Amendment  
TN#3) For FY2023-2026 Transportation Improvement  
Program (TIP)**

**March 21, 2024  
Prepared by the Clarksville MPO**

*The preparation of this document was financed cooperatively by the Federal Highway Administration, the Federal Transit Administration, the Tennessee Department of Transportation, the Kentucky Transportation Cabinet and the units of local and county government in the Clarksville MPO area. The opinions, findings, and conclusions expressed in this document are those of the Clarksville MPO and are not necessarily those of the U.S. Department of Transportation. This report does not constitute a standard, specification, or regulation.*

## EXECUTIVE SUMMARY

Amendment 1 amends the Clarksville Metropolitan Planning Organization's (MPO's) 2050 Metropolitan Transportation Plan (MTP), to change the length, total stage (YOE) cost, and funding source in the 2050 MTP on Table 7 on page 36 for Project ID #101, Lafayette Road. The project length changes from 0.37 miles to 0.44 miles. Eastern Federal Lands, TDOT, and the Montgomery County engineer reviewed the approved plans and came to the agreement that 0.44 miles was the correct mileage for the length. Eastern Federal Lands amended their contract with Montgomery County and TDOT made a time extension in their contract with Montgomery County. Both of these actions were required to move the project forward. In Table 7 of the MTP the FLAP funds had not been added to this project. This changed the total stage (YOE) cost from \$2,330,000 to \$4,410,000 with the addition of the FLAP funds. The funding source changed to add the FLAP funds, along with the STBG-L funds.

Amendment 104 amends the Clarksville MPO's FY2023 - FY2026 Transportation Improvement Program (TIP), to change the Termini, Project Description, Construction Funding, Total Project Cost, and Long-Range Plan# of TIP project #70, Lafayette Road. The current termini shows the project as "From Walnut Grove Road 1,940 feet to/thru Ft. Campbell Gate" and will be changed to "From Walnut Grove Road 0.44 miles through Ft. Campbell Gate". The Project Description changes from "Reconstruction and widening of approximately 1,940 feet of Lafayette Rd. The widening will consist of four 12' lanes with paved shoulders that transition from 10' wide to a 2.5' curb and gutter on both sides of the roadway. The center lane will be tapered from 5 lanes into a 4-lane section for entry into the gate" to "Reconstruction and widening of approximately 0.44 miles of Lafayette Road. The final roadway cross section will widen the existing cross section to one consisting of four (4) 12-foot lanes with 10-foot paved shoulders on both sides of the roadway for portions of the route and (4) 12-foot lanes with no shoulders in other segments. The center lane of the existing roadway will be tapered from 5 lanes into a 4-lane section." The construction funding is being increased by adding \$1,120,000 STBG-L federal funds and \$280,000 local funds due to increases in the cost of the project. The increase in the construction funds increased the total project cost by \$1,400,000 total funds for a total of \$4,088,000. The MPO adopted the new 2050 MTP on January 11, 2024 and the project has a new ID#, Table# and Page#. These changes are necessary to reflect the project needing additional funding and corrects contradictions in the length, clarifies the termini and gives the correct reference in the 2050 MTP.

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 NAAQS or any interim milestones (42 U.S.C. 7506(c)(1)). EPA's transportation conformity rules establish the criteria and procedures for determining whether metropolitan transportation plans, 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 National Ambient Air Quality Standard (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 ozone NAAQS on May 21, 2012.

This Conformity Determination Report (CDR) is being written for both the 2050 MTP and the FY 2023-26 TIP 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.

## **TRANSPORTATION CONFORMITY PROCESS**

The concept of transportation conformity was introduced in the Clean Air Act (CAA) of 1977, which included a provision to ensure that transportation investments conform to a State Implementation Plan (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 metropolitan transportation plans, transportation improvement programs 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 attained 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 for the Montgomery County Area and Christian County Area respectively to provide for the maintenance of the 1997 8-hour ozone NAAQS through 2025 the end of the second 10-year portion of the maintenance period. The Federal Register Notice is 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 the "donut" area for the purposes of implementing transportation conformity.

## **2050 METROPOLITAN TRANSPORTATION PLAN (MTP)**

The updated 2050 MTP is the long-range transportation plan for the Clarksville MPA and replaces the 2045 MTP. The 2045 MTP and the associated CDR for KY and TN were adopted on January 11, 2024. A performance-based approach to metropolitan transportation planning was utilized in the development of the 2050 MTP, which sets a regional vision and course of action for addressing the transportation needs of the Clarksville MPA over the next twenty-six years. The 2050 MTP Amendment 1 for adoption by the MPO Executive Board is in Appendix A.

## **FY2023-FY2026 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)**

The FY2023-FY2026 (October 1, 2022 through September 30, 2026) Transportation Improvement Program (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 was adopted on October 19, 2022 and is part of the Tennessee's and Kentucky's STIP;

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 Statewide Transportation Improvement Program (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 FY2023-FY2026 TIP Amendment 104 for adoption by the MPO Executive Board, is in Appendix B.

## **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 EPA(1) for certain transportation activities, including updated or amended metropolitan MTPs and TIPs. US DOT is currently reviewing the 1997 ozone NAAQS conformity determination for the 2050 MTP adopted on January 11, 2024 and 1997 ozone NAAQS conformity determination approval for the FY2023-FY2026 TIP on January 27, 2023. Transportation conformity is required no less frequently than every four years. This short conformity determination report addresses transportation conformity requirements for Amendment 1 for the 2050 MTP and Amendment 104 to the FY2023- FY2026 TIP.

## **TRANSPORTATION CONFORMITY REQUIREMENTS**

On November 29, 2018, EPA issued Transportation Conformity Guidance for the South Coast II Court Decision(2) (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 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.

<sup>1</sup> 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](http://www.epa.gov/state-and-local-transportation/policy-and-technical-guidance-state-and-local-transportation).

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

Therefore, transportation conformity for the 1997 ozone NAAQS for Clarksville Area MPO's TIP 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)

## **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 Transportation Improvement Program (TIP) will not interfere with timely implementation of TCMs.

## **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), Environmental Protection Agency Region 4, TN Department of Environment & Conservation, Kentucky Energy & Environment Cabinet, Federal Transit Administration Region 4, TDOT and KYTC Multimodal, and the Clarksville Transit System. The IAC review occurred via email correspondence to discuss the review of Amendment 1 for the 2050 MTP and Amendment TN 104 for the FY2023- FY2026 TIP and this short CDR. The interagency consultation 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](http://www.CUAMPO.com). The 14 - day public comment period opened on March 6, 2024 and closed on March 20, 2024.

## **TIMELY IMPLEMENTATION OF TCMs**

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

## **FISCAL CONSTRAINT**

Transportation conformity requirements in 40 CFR 93 states that MTPs and TIPs must be fiscally constrained consistent with DOT's metropolitan planning regulations at 23 CFR part 450. Amendment 1 to the 2050 MTP and Amendment 104 to the TIP is funded by federal and local agency funds with a total project cost estimate of \$4,088,000. In Appendix A and B, please find the amendments that show the project is fiscally constrained.

## **CONCLUSION**

This conformity demonstration for Amendment 1 to the 2050 MTP and the Amendment 104 for the FY2023- FY2026 TIP demonstrates that the planning documents meet the Clean Air Act and Transportation Conformity rule requirements for the 1997 8-hour ozone NAAQS.

Appendix A – Amendment 1, 2050 MTP

Appendix B – Amendment 104, FY2023-FY2026 TIP

Appendix C – IAC Comments

Appendix D – Federal Register



## **Appendix A - Amendment 1, 2050 MTP**

**RESOLUTION 2024-07**  
**APPROVING AN AMENDMENT TO THE 2050 METROPOLITAN TRANSPORTATION**  
**PLAN (MTP) WITH THE ASSOCIATED CONFORMITY DETERMINATION REPORT**  
**(CDR) FOR THE CLARKSVILLE URBANIZED AREA METROPOLITAN PLANNING**  
**ORGANIZATION (MPO)**

**WHEREAS**, a comprehensive and continuing transportation planning program must be carried out cooperatively in order to ensure that funds for transportation projects are effectively allocated to the Clarksville Urbanized Area; and

**WHEREAS**, on January 11, 2024 the MPO adopted the 2050 Metropolitan Transportation Plan (MTP) as a blueprint for transportation investments based on a series of stated community goals, financial capability and environmental considerations; and

**WHEREAS**, the MPO has worked cooperatively with TDOT to amend the Revenue on Table 3, page 30; the Length, Total Stage (YOE) Cost, and Funding Source in the 2050 MTP on Table 7 on page 36; and the Program Cost, Revenue, and Balance on Table 9 on page 42.

Project ID #101, Lafayette Road information changes as follows:

Table 3 – Roadway Capital Revenue by Source, page 30:

Added additional STBG-L from additional increase in the FY2024 allocation:

The FY2024 Apportionment = \$3,941,434.00

Estimated FY2024 allocation in TIP = \$2,300,000.00

The added difference to the FY2024 TIP allocation = \$1,641,434.00

Table 7 – Fiscally Constrained Projects, page 36:

- a. Length increased from 0.37 miles to 0.44 miles (due to a technical error, the plans have not changed);
- b. Total stage (YOE) cost changed due to the addition of STBG-L funding amount being added to Table 7.
- c. Funding source added the FLAP funding type; (This funding source was left off by mistake, but the FLAP funding is in the original Total Stage (YOE) Cost column in Table 7).

Table 9 - Financial Summary, page 42:

The addition of the STBG-L to the project is shown in the Program Cost; the additional increase in the FY2024 allocation is shown in the Revenue; and the difference is shown in the Balance.

**WHEREAS**, members of the Interagency Consultation agreed that this amendment is nonexempt from air quality conformity and required the associated CDR be provided for the 2050 MTP to meet the federal transportation conformity requirements in 40 CFR Part 93.

**WHEREAS**, the locally developed Participation Plan has been followed. The 14 - day public review period began on March 6, 2024 and ended March 20, 2024. Said document was made available for review; and

**WHEREAS**, members of the TCC did acknowledge re-demonstration of fiscal constraint and recommended approval for Amendment 1 and the associated CDR to the Executive Board;

**NOW, THEREFORE, BE IT RESOLVED**, that the Clarksville Urbanized Area Metropolitan Planning Organization's Executive Board does adopt Amendment 1 of the 2050 MTP and the associated CDR of the Clarksville Urbanized Area.

**Resolution Approved:** March 21, 2024

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Mayor Joe Pitts, Chairman  
Clarksville Urbanized Area

New  
Amd 1  
3-21-24

**TABLE 3: ROADWAY CAPITAL REVENUE BY SOURCE**

	2023-2026	2027-2030	2031-2040	2041-2050	2027-2050 Total
FLAP	\$1,664,000	\$2,493,119	\$8,246,148	\$12,206,314	\$24,609,581
HIP	\$801,769	\$1,149,898	\$3,803,359	\$5,629,901	\$11,384,926
NHPP	\$17,000,000	\$10,645,992	\$35,212,289	\$52,122,789	\$114,981,070
STBG - S	\$22,252,000	\$62,667,348	\$207,276,202	\$306,819,414	\$599,014,964
STBG - <del>TA</del>	\$32,922,590	\$13,248,968	\$43,821,795	\$64,866,962	\$154,860,315
STBG - TA	\$1,818,233	\$2,882,789	\$9,535,006	\$14,114,138	\$28,350,166
CMAQ	\$955,440	\$1,766,529	\$5,842,906	\$8,648,928	\$17,213,803
HSIP	\$540,000	\$2,610,800	\$8,635,387	\$12,782,482	\$24,568,669
HSIP - R	\$90,000	\$129,078	\$426,934	\$631,966	\$1,277,978
HPP (Earmark)	\$2,400,000	\$2,296,488	\$7,595,778	\$11,243,607	\$23,535,872
State Match - TN	\$10,563,442	\$19,359,639	\$64,033,225	\$94,784,815	\$188,741,120
State Match - KY	\$1,600,000	\$2,195,255	\$6,401,779	\$7,958,105	\$18,155,138
Local Match - TN	\$8,591,766	\$26,472,297	\$87,558,791	\$129,608,400	\$252,231,254
Local	\$32,886,161	\$47,165,357	\$156,002,389	\$230,921,645	\$466,975,551
KY STBG-S	\$6,400,000	\$11,868,095	\$34,609,618	\$43,023,503	\$95,901,217
KY SPP- State Construction	\$7,390,000	\$10,139,332	\$29,568,217	\$36,756,496	\$83,854,045
Totals	\$147,875,401	\$217,090,984	\$708,569,823	\$1,032,119,462	\$2,105,655,670

New  
Amd  
3-21-24

TABLE 7: FISCALLY CONSTRAINED PROJECTS

MTP ID	Roadway	Limits	Project Description	Length	State	Total Stage (YOE) Cost	Funding Source
Stage 1 (2023 – 2026, TIP)							
6	SR-374 PROP	SR-76 to South of Dotsonville Rd	Right-of-Way	2.90	TN	\$3,200,000	HPP/STBG – S
50	Wilma Rudolph Blvd	Industrial Park Access Rd to SR-374	Adaptive Signal System	2.47	TN	\$955,440	CMAQ
91	Spring Creek Pkwy	Trenton Rd to Spring Creek	New 4/5 Lane Roadway	1.44	TN	\$13,000,000	Local
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
94	SR-48/Trenton Rd	SR-374 to I-24	Widen to 5 lanes	3.70	TN	\$23,000,000	STBG - S
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
96	I-24	KY/TN State line to SR-76	Widening 4 to 6 lanes – Design Only	11.63	TN	\$2,000,000	NHPP
97	I-24	I-24 @ KY-115 Interchange	Interchange Reconstruction Design and Study	--	KY	\$700,000	KY SPP- State Construction
101*	Lafayette Rd	Near Walnut Grove Rd west into Ft Campbell Military Reservation	Widen from 2 to 5 Lanes	0.44	TN	\$4,088,000	FLAP/STBG - L
1001	Enhancement - TN	Varies	Line-Item Operation and Maintenance Funding	--	TN	\$4,212,134	Varies
1002	Safety - TN	Varies	Line-Item Operation and Maintenance Funding	--	TN	\$21,061,226	Varies
1003	Bridge - TN	Varies	Line-Item Operation and Maintenance Funding	--	TN	\$57,918,301	Varies
1004	Overlay - TN	Varies	Line-Item Operation and Maintenance Funding	--	TN	\$42,122,451	Varies
1005	Maintenance - TN	Varies	Line-Item Operation and Maintenance Funding	--	TN	\$6,318,340	Varies
1006	Reconstruction - TN	Varies	Line-Item Operation and Maintenance Funding	--	TN	\$78,979,527	Varies
1011	Enhancement - KY	Varies	Line-Item Operation and Maintenance Funding	--	KY	\$121,579	Varies
1012	Safety - KY	Varies	Line-Item Operation and Maintenance Funding	--	KY	\$607,910	Varies
1013	Bridge - KY	Varies	Line-Item Operation and Maintenance Funding	--	KY	\$1,671,750	Varies
1014	Overlay - KY	Varies	Line-Item Operation and Maintenance Funding	--	KY	\$1,215,819	Varies
1015	Maintenance - KY	Varies	Line-Item Operation and Maintenance Funding	--	KY	\$182,372	Varies
1016	Reconstruction - KY	Varies	Line-Item Operation and Maintenance Funding	--	KY	\$2,279,659	Varies
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
609	Varies	Varies	Signal Retiming Project in City of Clarksville	--	TN	\$93,074	CMAQ
608	Passenger Rail Study	Clarksville to Nashville	Study for Passenger Rail Feasibility	--	TN	\$93,074	CMAQ
602	US 79/Wilma Rudolph Boulevard	Kraft St to I-24	Access Management and Safety Study	--	TN	\$93,074	HSIP

**TABLE 9: FINANCIAL SUMMARY**

	Stage 1 (2023 – 2026 TIP)			Stage 2 (2027 – 2030)			Stage 3 (2031-2040)		
	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
HIP	\$0	\$801,769	\$801,769	\$0	\$1,149,898	\$1,149,898	\$0	\$3,803,359	\$3,803,359
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
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
STBG - L	\$26,121,789	\$32,922,590	\$6,800,801	\$10,216,173	\$13,248,968	\$3,032,795	\$34,458,374	\$43,821,795	\$9,363,421
STBG - TA	\$0	\$1,818,233	\$1,818,233	\$0	\$2,882,789	\$2,882,789	\$0	\$9,535,006	\$9,535,006
CMAQ	\$0	\$955,440	\$955,440	\$148,918	\$1,766,529	\$1,617,611	\$0	\$5,842,906	\$5,842,906
HSIP	\$0	\$540,000	\$540,000	\$83,767	\$2,610,800	\$2,527,034	\$0	\$8,635,387	\$8,635,387
HSIP - R	\$0	\$90,000	\$90,000	\$0	\$129,078	\$129,078	\$0	\$426,934	\$426,934
HPP (Earmark)	\$1,920,000	\$2,400,000	\$480,000	\$0	\$2,296,488	\$2,296,488	\$0	\$7,595,778	\$7,595,778
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
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
Local Match - TN	\$8,546,000	\$8,591,766	\$45,766	\$2,554,043	\$26,472,297	\$23,918,254	\$2,857,043	\$87,558,791	\$84,701,748
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
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
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
Total Capital Improvements	\$88,932,211	\$147,875,401	\$58,943,190	\$152,448,165	\$217,090,984	\$64,642,819	\$392,741,384	\$708,569,823	\$315,828,439
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
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
Transit Capital	\$0	\$25,734,518	\$25,734,518	\$0	\$15,697,519	\$15,697,519	\$0	\$51,920,533	\$51,920,533
Transit O&M	\$22,308,128	\$22,308,128	\$0	\$17,341,653	\$17,341,653	\$0	\$57,358,608	\$57,358,608	\$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
Total MTP	\$327,931,406	\$412,609,114	\$84,677,708	\$707,782,737	\$788,123,075	\$80,340,338	\$2,225,402,511	\$2,593,151,483	\$367,748,972

Old  
Amendment  
3-21-24

TABLE 3: ROADWAY CAPITAL REVENUE BY SOURCE

	2023-2026	2027-2030	2031-2040	2041-2050	2027-2050 Total
FLAP	\$1,664,000	\$2,493,119	\$8,246,148	\$12,206,314	\$24,609,581
HIP	\$801,769	\$1,149,898	\$3,803,359	\$5,629,901	\$11,384,926
NHPP	\$17,000,000	\$10,645,992	\$35,212,289	\$52,122,789	\$114,981,070
STBG - S	\$22,252,000	\$62,667,348	\$207,276,202	\$306,819,414	\$599,014,964
STBG - L	\$31,281,156	\$13,248,968	\$43,821,795	\$64,866,962	\$153,218,881
STBG - TA	\$1,818,233	\$2,882,789	\$9,535,006	\$14,114,138	\$28,350,166
CMAQ	\$955,440	\$1,766,529	\$5,842,906	\$8,648,928	\$17,213,803
HSIP	\$540,000	\$2,610,800	\$8,635,387	\$12,782,482	\$24,568,669
HSIP - R	\$90,000	\$129,078	\$426,934	\$631,966	\$1,277,978
HPP (Earmark)	\$2,400,000	\$2,296,488	\$7,595,778	\$11,243,607	\$23,535,872
State Match - TN	\$10,563,442	\$19,359,639	\$64,033,225	\$94,784,815	\$188,741,120
State Match - KY	\$1,600,000	\$2,195,255	\$6,401,779	\$7,958,105	\$18,155,138
Local Match - TN	\$8,311,766	\$26,472,297	\$87,558,791	\$129,608,400	\$251,951,254
Local	\$32,886,161	\$47,165,357	\$156,002,389	\$230,921,645	\$466,975,551
KY STBG-S	\$6,400,000	\$11,868,095	\$34,609,618	\$43,023,503	\$95,901,217
KY SPP- State Construction	\$7,390,000	\$10,139,332	\$29,568,217	\$36,756,496	\$83,854,045
Totals	\$145,953,967	\$217,090,984	\$708,569,823	\$1,032,119,462	\$2,103,734,236

Old  
Amendment  
3-21-24

TABLE 7: FISCALLY CONSTRAINED PROJECTS

MTP ID	Roadway	Limits	Project Description	Length	State	Total Stage (VOE) Cost	Funding Source
Stage 1 (2023 – 2026, TIP)							
6	SR-374 PROP	SR-76 to South of Dotsonville Rd	Right-of-Way	2.90	TN	\$3,200,000	HPP/STBG – S
50	Wilma Rudolph Blvd	Industrial Park Access Rd to SR-374	Adaptive Signal System	2.47	TN	\$955,440	CMAQ
91	Spring Creek Pkwy	Trenton Rd to Spring Creek	New 4/5 Lane Roadway	1.44	TN	\$13,000,000	Local
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
94	SR-48/Trenton Rd	SR-374 to I-24	Widen to 5 lanes	3.70	TN	\$23,000,000	STBG - S
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
96	I-24	KY/TN State line to SR-76	Widening 4 to 6 lanes – Design Only	11.63	TN	\$2,000,000	NHPP
97	I-24	I-24 @ KY-115 Interchange	Interchange Reconstruction Design and Study	--	KY	\$700,000	KY SPP- State Construction
101*	Lafayette Rd	Walnut Grove Rd through Ft Campbell Gate	Widen from 2 to 5 Lanes	0.37	TN	\$2,330,000	STBG - L
1001	Enhancement - TN	Varies	Line-Item Operation and Maintenance Funding	--	TN	\$4,212,134	Varies
1002	Safety - TN	Varies	Line-Item Operation and Maintenance Funding	--	TN	\$21,061,226	Varies
1003	Bridge - TN	Varies	Line-Item Operation and Maintenance Funding	--	TN	\$57,918,301	Varies
1004	Overlay - TN	Varies	Line-Item Operation and Maintenance Funding	--	TN	\$42,122,451	Varies
1005	Maintenance - TN	Varies	Line-Item Operation and Maintenance Funding	--	TN	\$6,318,340	Varies
1006	Reconstruction - TN	Varies	Line-Item Operation and Maintenance Funding	--	TN	\$78,979,527	Varies
1011	Enhancement - KY	Varies	Line-Item Operation and Maintenance Funding	--	KY	\$121,579	Varies
1012	Safety - KY	Varies	Line-Item Operation and Maintenance Funding	--	KY	\$607,910	Varies
1013	Bridge - KY	Varies	Line-Item Operation and Maintenance Funding	--	KY	\$1,671,750	Varies
1014	Overlay - KY	Varies	Line-Item Operation and Maintenance Funding	--	KY	\$1,215,819	Varies
1015	Maintenance - KY	Varies	Line-Item Operation and Maintenance Funding	--	KY	\$182,372	Varies
1016	Reconstruction - KY	Varies	Line-Item Operation and Maintenance Funding	--	KY	\$2,279,659	Varies
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
609	Varies	Varies	Signal Retiming Project in City of Clarksville	--	TN	\$93,074	CMAQ
608	Passenger Rail Study	Clarksville to Nashville	Study for Passenger Rail Feasibility	--	TN	\$93,074	CMAQ
602	US 79/Wilma Rudolph Boulevard	Kraft St to I-24	Access Management and Safety Study	--	TN	\$93,074	HSIP



Old  
Amd 1  
3-21-24

TABLE 9: FINANCIAL SUMMARY

	Stage 1 (2023 – 2026 TIP)			Stage 2 (2027 – 2030)			Stage 3 (2031-2040)		
	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
HIP	\$0	\$801,769	\$801,769	\$0	\$1,149,898	\$1,149,898	\$0	\$3,803,359	\$3,803,359
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
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
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
STBG - TA	\$0	\$1,818,233	\$1,818,233	\$0	\$2,882,789	\$2,882,789	\$0	\$9,535,006	\$9,535,006
CMAQ	\$0	\$955,440	\$955,440	\$148,918	\$1,766,529	\$1,617,611	\$0	\$5,842,906	\$5,842,906
HSIP	\$0	\$540,000	\$540,000	\$83,767	\$2,610,800	\$2,527,034	\$0	\$8,635,387	\$8,635,387
HSIP - R	\$0	\$90,000	\$90,000	\$0	\$129,078	\$129,078	\$0	\$426,934	\$426,934
HPP (Earmark)	\$1,920,000	\$2,400,000	\$480,000	\$0	\$2,296,488	\$2,296,488	\$0	\$7,595,778	\$7,595,778
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
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
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
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
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
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
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
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
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
Transit Capital	\$0	\$25,734,518	\$25,734,518	\$0	\$15,697,519	\$15,697,519	\$0	\$51,920,533	\$51,920,533
Transit O&M	\$22,308,128	\$22,308,128	\$0	\$17,341,653	\$17,341,653	\$0	\$57,358,608	\$57,358,608	\$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
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

## **Appendix B - Amendment 104 , FY2023-FY2026 TIP**

## **RESOLUTION 2024-08**

### **APPROVING AMENDMENT TDOT #104 (CLK TN #3) TO THE FY2023-FY2026 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) AND ASSOCIATED CONFORMITY DETERMINATION REPORT (CDR) OF THE CLARKSVILLE URBANIZED AREA METROPOLITAN PLANNING ORGANIZATION(MPO)**

**WHEREAS**, the Transportation Improvement Program (TIP) is prepared on a four-year basis, per FAST Act guidance, with amendments prepared on an as needed basis. This process is in place to document the cooperatively developed program of projects recommended by the Technical Coordinating Committee (TCC) for selection by the Executive Board to be advanced during the program period; and

**WHEREAS**, to amend the FY2023-FY2026 TIP for TIP# 70, Lafayette Road; to change the termini, project description, project length, construction funding amounts, total project cost and Long-Range Plan#.

- a. Termini – change from “from Walnut Grove Road 1,940 feet to/thru Ft. Campbell Gate” to “from near Walnut Grove Road, approximately 0.44 miles west into Ft. Campbell Military Reservation”;
- b. Project Description – changed from “Reconstruction and widening of approximately 1,940 feet of Lafayette Rd. The widening will consist of four 12’ lanes with paved shoulders that transition from 10’ wide to a 2.5’ curb and gutter on both sides of the roadway. The center lane will be tapered from 5 lanes into a 4-lane section for entry into the gate” to “Reconstruction and widening of approximately 0.44 miles of Lafayette Road. The final roadway cross section will widen the existing cross section to one consisting of four (4) 12-foot lanes with 10-foot paved shoulders on both sides of the roadway for portions of the route and (4) 12-foot lanes with no shoulders in other segments. The center lane of the existing roadway will be tapered from 5 lanes into a 4-lane section.”
- c. Construction funding – added \$1,400,000 total funds to FY2024 construction phase. This is divided out as \$1,120,000 federal STBG-L funds and \$280,000 local match.
- d. Total project cost -increased from \$2,688,000 to \$4,088,000;
- e. Long Range Plan # - changed from project’s location in the 2045 MTP to the 2050 MTP adopted on January 11, 2024;

**WHEREAS**, members of the Interagency Consultation (IAC) agreed that this amendment is nonexempt from air quality conformity and required the associated CDR be provided for the FY2023-FY2026 TIP to meet the federal transportation conformity requirements in 40 CFR Part 93; and

**WHEREAS**, the locally developed Participation Plan has been followed. The 14 - day public review period began on March 6, 2024 and ended March 20, 2024. Said document was made available for review; and

**WHEREAS**, members of the TCC did acknowledge re-demonstration of fiscal constraint and recommended approval for Amendment TDOT #104 (CLK TN #3) and the associated CDR to the Executive Board;

**NOW, THEREFORE, BE IT RESOLVED**, that the Clarksville Urbanized Area Metropolitan Planning Organization's Executive Board does adopt Amendment TDOT #104 (CLK TN #3) of the FY2023-FY2026 TIP and the associated CDR of the Clarksville Urbanized Area.

**Resolution Approved:** March 21, 2024

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Mayor Joe Pitts, Chairman  
Clarksville Urbanized Area MPO

# eSTIP Project Report

New  
Amd 104  
CLK Amd #3  
3-21-24



<b>ID</b>	<b>PIN #</b>	<b>Length in Miles</b>	<b>Lead Agency</b>
CLK 70	121387.00	0.440	Montgomery County

**County:**  
Montgomery

<b>Route</b>	<b>Total Project Cost</b>
O-	\$4,088,000.00

**Project Name:**  
LaFayette Road

**Termini**  
From near Walnut Grove Road, approximately 0.44 miles west into Ft. Campbell Military Reservation

**Project Description**  
Reconstruction and widening of approximately 0.44 miles of LaFayette Rd. The final roadway cross section will widen the existing cross section to one consisting widening will consist of four (4) 12' lanes with 10-foot paved shoulders on both sides of the roadway for portions of the route and (4) 12-foot lanes with no shoulders in other segments. The center lane of the existing roadway will be tapered from 5 lanes into a 4 lane section. \*EFL Project Mgmt phase, FLAP funding \$38,000.00\*

<b>Long Range Plan #</b>	<b>Conformity Status</b>
#101; Table 7; pg 36	Non-Exempt

FY	Phase	Fund Code	Total Funds	Federal Funds	State Funds	Local Funds
2023	CONST	FLAP	\$2,080,000	\$1,664,000	\$0	\$416,000
2023	CONST	STBG-L	\$250,000	\$200,000	\$0	\$50,000
2024	CONST	STBG-L	\$1,400,000	\$1,120,000	\$0	\$280,000
<b>Total</b>			<b>\$3,730,000</b>	<b>\$2,984,000</b>	<b>\$0</b>	<b>\$746,000</b>



Old  
Amd 104  
CLK Amd #3  
3-21-24

# TIP Project Report

12/18/2023

TIP ID	PIN #	Length in Miles	Lead Agency
CLK 70	121387.00	0.44	Montgomery County
State	County		
TN	Montgomery		
State Route	Total Project Cost		
	\$2,688,000		

## Project Name

LaFayette Road

## Termini

From Walnut Grove Road 1,940 feet to/thru Ft. Campbell Gate

## Project Description

Reconstruction and widening of approximately 1,940 feet of LaFayette Rd. The widening will consist of four 12' lanes with paved shoulders that transition from 10' wide to a 2.5' curb and gutter on both sides of the roadway. The center lane will be tapered from 5 lanes into a 4 lane section for entry into the gate. \*EFL Project Mgmt phase, FLAP funding \$38,000.00\*

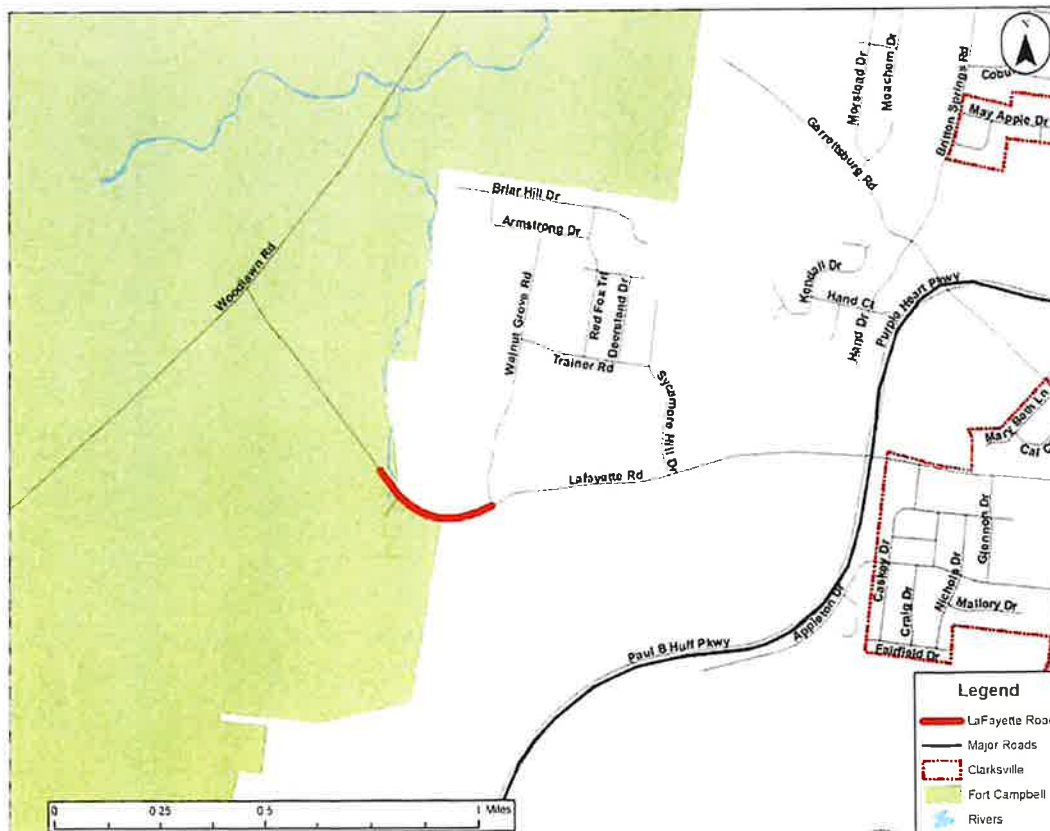
## Long Range Plan #

#106; Table 11.3; pg 11-5

## Conformity Status

Non-Exempt

FY	Phase	Funding	Programmed Funds	Fed Funds	State Fund	Local Funds
2023	CONST	STBG-L	\$250,000	\$200,000	\$0	\$50,000
2023	CONST	FLAP	\$2,080,000	\$1,664,000	\$0	\$416,000
<b>Total</b>			<b>\$2,330,000</b>	<b>\$1,864,000</b>	<b>\$0</b>	<b>\$466,000</b>







**eSTIP Fiscal Constraints Report for STIP Period 2023**  
**Clarksville MPO**

<b>Fund Code</b>	<b>Fiscal Year</b>	<b>Budget Total</b>	<b>Programmed Funds</b>	<b>Federal Funding</b>	<b>State Funding</b>	<b>Local Funding</b>	<b>Federal Carryover</b>	<b>Remaining Balance</b>
5303	2023	\$0	\$0	\$0	\$0	\$0	\$0	\$0
5303	2024	\$0	\$0	\$0	\$0	\$0	\$0	\$0
5303	2025	\$0	\$0	\$0	\$0	\$0	\$0	\$0
5307	2023	\$5,986,922	\$5,986,922	\$3,327,395	\$1,172,742	\$1,486,785	\$0	\$0
5307	2024	\$12,505,951	\$12,505,951	\$7,752,784	\$2,428,825	\$2,324,342	\$0	\$0
5307	2025	\$11,555,283	\$11,555,283	\$4,665,798	\$3,014,742	\$3,874,743	\$0	\$0
5307	2026	\$14,157,424	\$14,157,424	\$8,259,939	\$1,893,742	\$4,003,743	\$0	\$0
5310	2023	\$316,476	\$316,476	\$263,158	\$26,659	\$26,659	\$0	\$0
5310	2024	\$187,214	\$187,214	\$187,214	\$0	\$0	\$0	\$0
5310	2025	\$300,000	\$300,000	\$240,000	\$30,000	\$30,000	\$0	\$0
5310	2026	\$300,000	\$300,000	\$240,000	\$30,000	\$30,000	\$0	\$0
5339	2023	\$628,152	\$628,152	\$502,521	\$62,815	\$62,816	\$0	\$0
5339	2024	\$1,187,663	\$1,187,663	\$950,130	\$118,766	\$118,767	\$0	\$0
5339	2025	\$2,368,000	\$2,368,000	\$1,894,400	\$341,800	\$131,800	\$0	\$0
5339	2026	\$218,000	\$218,000	\$174,400	\$21,800	\$21,800	\$0	\$0
CMAQ	2023	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CMAQ	2024	\$955,440	\$955,440	\$955,440	\$0	\$0	\$0	\$0
CRP	2023	\$956,599	\$700,000	\$765,279	\$0	\$191,320	\$0	\$256,599
FLAP	2023	\$2,080,000	\$2,080,000	\$1,664,000	\$0	\$416,000	\$0	\$0
HIP	2023	\$1,002,211	\$1,002,211	\$801,769	\$200,442	\$0	\$0	\$0
HPP	2023	\$2,400,000	\$2,400,000	\$1,920,000	\$480,000	\$0	\$0	\$0
HSIP	2023	\$480,000	\$480,000	\$432,000	\$48,000	\$0	\$0	\$0
HSIP	2024	\$60,000	\$60,000	\$54,000	\$6,000	\$0	\$0	\$0
HSIP	2025	\$30,000	\$30,000	\$27,000	\$3,000	\$0	\$0	\$0
HSIP	2026	\$30,000	\$30,000	\$27,000	\$3,000	\$0	\$0	\$0
HSIP-R	2023	\$35,000	\$35,000	\$31,500	\$3,500	\$0	\$0	\$0
HSIP-R	2024	\$35,000	\$35,000	\$31,500	\$3,500	\$0	\$0	\$0
HSIP-R	2025	\$20,000	\$20,000	\$18,000	\$2,000	\$0	\$0	\$0
HSIP-R	2026	\$10,000	\$10,000	\$9,000	\$1,000	\$0	\$0	\$0
IMPROVE ACT	2023	\$0	\$0	\$0	\$0	\$0	\$0	\$0
KYTC CRP	2023	\$165,453	\$165,453	\$132,362	\$0	\$33,091	\$0	\$0
KYTC CRP	2024	\$85,215	\$85,215	\$68,172	\$0	\$17,043	\$0	\$0
LOCAL	2023	\$24,386,161	\$24,386,161	\$0	\$0	\$24,386,161	\$0	\$0
LOCAL	2024	\$8,651,000	\$8,651,000	\$0	\$0	\$8,651,000	\$0	\$0



**eSTIP Fiscal Constraints Report for STIP Period 2023**  
**Clarksville MPO**

<b>Fund Code</b>	<b>Fiscal Year</b>	<b>Budget Total</b>	<b>Programmed Funds</b>	<b>Federal Funding</b>	<b>State Funding</b>	<b>Local Funding</b>	<b>Federal Carryover</b>	<b>Remaining Balance</b>
LOCAL	2025	\$0	\$0	\$0	\$0	\$0	\$0	\$0
LOCAL	2026	\$0	\$0	\$0	\$0	\$0	\$0	\$0
NHPP	2023	\$14,075,000	\$14,075,000	\$11,260,000	\$2,815,000	\$0	\$0	\$0
NHPP	2024	\$2,910,000	\$2,910,000	\$2,328,000	\$582,000	\$0	\$0	\$0
NHPP	2025	\$2,375,000	\$2,375,000	\$1,900,000	\$475,000	\$0	\$0	\$0
NHPP	2026	\$1,890,000	\$1,890,000	\$1,512,000	\$378,000	\$0	\$0	\$0
PHSIP	2023	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PHSIP	2024	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PHSIP	2025	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PHSIP	2026	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SPP	2023	\$2,660,000	\$2,060,000	\$0	\$2,660,000	\$0	\$0	\$600,000
SPP	2024	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SPP	2025	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SPP	2026	\$4,730,000	\$4,730,000	\$0	\$4,730,000	\$0	\$0	\$0
STBG-KY	2024	\$8,000,000	\$8,000,000	\$6,400,000	\$0	\$1,600,000	\$0	\$0
STBG-L	2023	\$28,927,728	\$28,541,760	\$23,270,105	\$0	\$5,657,623	\$21,070,105	\$385,968
STBG-L	2024	\$5,472,664	\$4,186,900	\$4,378,131	\$0	\$1,094,533	\$436,697	\$1,285,764
STBG-L	2025	\$4,180,502	\$3,000,000	\$3,428,611	\$0	\$751,891	\$1,028,611	\$1,180,502
STBG-L	2026	\$4,330,502	\$0	\$3,528,611	\$0	\$801,891	\$1,028,611	\$4,330,502
STBG-S	2023	\$4,326,000	\$4,326,000	\$3,460,800	\$865,200	\$0	\$0	\$0
STBG-S	2024	\$31,035,250	\$31,035,250	\$24,828,200	\$6,207,050	\$0	\$0	\$0
STBG-S	2025	\$1,163,000	\$1,163,000	\$930,400	\$232,600	\$0	\$0	\$0
STBG-S	2026	\$290,750	\$290,750	\$232,600	\$58,150	\$0	\$0	\$0
STBG-TA	2023	\$2,272,791	\$2,272,791	\$1,818,233	\$0	\$454,558	\$0	\$0
TAP	2024	\$849,000	\$849,000	\$679,200	\$0	\$169,800	\$0	\$0



## **APPENDIX C: IAC Comments and Responses:**

**Marc Corrigan**

Tue, Feb 27,  
8:48 AM (2  
days ago)

to Herman, me, John, stan.williams@cityofclarksville.com, Sean, Dianna, Simone, dasha, Melanie, Rich

Hello Jill,

Help me to understand what you are attempting to accomplish. First, I don't think a sCDR was attached to your email. Are you referring to the previous sCDR (attached)? The previous sCDR only amends the TIP, I believe. Your email below indicates both a TIP and MTP amendment. Do you have a different sCDR? Have we already amended the TIP and MTP to include the additional STBG-L funds and shown fiscal constraint for both of these amendments?

Apologies for my confusion!

Marc

**Jill Hall <jill.hall@cityofclarksville.com>**

Tue, Feb 27,  
9:02 AM (2  
days ago)

to Marc, John, Herman, stan.williams@cityofclarksville.com, Sean, Dianna, Simone, dasha, Melanie, Rich

Thank you Marc! I didn't realize I didn't attach the CDR. Sorry for the mix up. The new CDR for both the 2050 MTP and the TIP amendment for Lafayette Road project is attached. I did not present the other one to the Executive Board at the February meeting. There were problems with the length and the EFLHD contract needed an administrative update which I had attached in the previous email.

Thank you!

Jill

**Marc Corrigan**

Feb 27, 2024,  
11:00 AM (2  
days ago)

to me, John, Herman, stan.williams@cityofclarksville.com, Sean, Dianna, Simone, dasha, Melanie, Rich

Jill,

I'd like to offer the following comments on the TIP/MTP amendments and associated CDR:

1. In the section on the FY2023-2026 TIP, please check the date referenced for the TIP. Page numbers might be helpful, too.
2. The footnotes appear to be embedded in the text.
3. In the consultation section, there is a reference to Amendment TN #95, should that be 104?
4. Resolution 2024-07, section referencing Table 7, part c., there may need to be an additional closing parentheses.

As to the shortened time to review this CDR and associated TIP and MTP amendments – as having seen this amendment in part earlier, I'm submitting my comments above on the shortened schedule, but emphasize that the IAC must concur to the reduced timeframe for review.

**Jill Hall <jill.hall@cityofclarksville.com>**

Tue, Feb 27,  
11:09 AM (2  
days ago)

to Marc, Herman, John, stan.williams@cityofclarksville.com, Sean, Dianna, Simone, dasha, Melanie, Ri

Thank you Marc. I'll make the changes.

**Jill Hall <jill.hall@cityofclarksville.com>**

Feb 27, 2024,  
11:13 AM (2  
days ago)

to Marc, John, Herman, stan.williams@cityofclarksville.com, Sean, Dianna, Simone, dasha, Melanie, Ri

IAC:

Please give me your concurrence on the shortened time frame for review to be completed by March 8th. Or please let me know if you need additional time or information. The MPO meeting is scheduled for March 21st.

Thank you,  
Jill

**Bowman, Anna M (EEC)**

1:04 PM  
(1 hour  
ago)

to John.Ballantyne@dot.gov, Dasha, Lauren, Mikael, Justin, me, Herman, stan.williams@cityofclarksvil

Good afternoon Jill,

Other than agreeing with Marc's comments, I have no additional comments on the CUAMPO 2050 MTP Amendment 1 and FY23-26 TIP Amendment 104. Thanks and have a great weekend.

*Anna Bowman*

Kentucky Division for Air Quality  
Evaluation Section

**Jill Hall <jill.hall@cityofclarksville.com>**

1:16 PM  
(1 hour  
ago)

to Anna

Thank you!

**Vail, Nick (FHWA)**

1:30 PM  
(1 hour  
ago)

to John, Herman, stan.williams@cityofclarksville.com, Sean, Dianna, Simone, Dasha, Melanie, Richard,

FHWA-KY concurs as well.

Nick Vail (he/him/his), FHWA-KY  
Community Planner  
330 W. Broadway, Rm 264  
USDOT Federal Highway Administration (FHWA)  
Frankfort, KY 40601-1981

**Myers, Dianna (she/her/hers)**

2:05 PM  
(39  
minutes  
ago)

to anna.bowman@ky.gov, John, Herman, Dasha, lauren.hedge@ky.gov, Mikael, Justin, Nick, me, stan.v

EPA concurs.

*Dianna B. Myers*  
*Regional Transportation Conformity Contact*  
*Air Regulatory Management Section-ARD*  
[US Environmental Protection Agency](#)

**Jill Hall <jill.hall@cityofclarksville.com>**

2:26 PM  
(19  
minutes  
ago)

to Dianna, Nick, anna.bowman@ky.gov, John, Herman, stan.williams, Sean, Simone, Dasha, Melanie, R

Thank you!

**Korostina, Dasha (KYTC)**

8:15 AM  
(1 hour  
ago)

to John.Ballantyne@dot.gov, Herman, Lauren, Mikael, Justin, Marc, Nick, Anna, me, stan.williams@city

KYTC reviewed conformity and have no additional comments.  
Thank you,

Dasha Korostina

**Jill Hall <jill.hall@cityofclarksville.com>**

8:29 AM  
(1 hour  
ago)

to Dasha, Nick, Anna, John.Ballantyne@dot.gov, Herman, stan.williams@cityofclarksville.com, Sean, D

Thank you!

---

Murphy, Melanie (FHWA)

3:08 PM (8 minutes ago)

to me, Nick, Anna, John, Herman, stan.williams@cityofclarksville.com, Sean, Dianna, Dasha,  
Simone, Richard, Jill, Lauren, Kelly, Andres, Mikael, Justin, stanwilliams, Marc

FHWA-TN concurs as well. Thank you!

Melanie Murphy, AICP | Transportation Planning Specialist

Federal Highway Administration—TN Division

Jill Hall

3:15 PM (1 minute ago)

to Melanie

Thank you!

**APPENDIX D: FEDERAL REGISTER 1997 LIMITED MAINTENANCE PLAN –  
MONTGOMERY CO., TN AND CHRISTIAN CO., KY**

**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; 6:45 am]  
BILLING CODE 6560-SII-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](http://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](http://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](mailto: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 a-hour period. See 62 FR 38856 (July 18, 1997).<sup>1</sup> EPA set the

<sup>1</sup> In March 2006, EPA completed another review of the primary and secondary ozone NAAQS and tightened them further by lowering the level for

a-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 a-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 a-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, m>A completed a review of the primary and secondary ozone NAAQS and lightened them by lowering the level for both to 0.070 ppm. See 60 FR 65292 (October 26, 2015).

redesignation request.<sup>2</sup> 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).

PA has published long-standing guidance for states on developing maintenance plans.<sup>3</sup> 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. PA 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 value<sup>4</sup> being significantly below the standard and the area having a historically stable design value.<sup>5</sup> EPA

<sup>2</sup> 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.

<sup>3</sup> 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).

<sup>4</sup> 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.

<sup>5</sup> 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

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,<sup>6</sup> EPA has extended the LMP interpretation of section 175A to other NAAQS and pollutants not specifically covered by the previous guidance memos.<sup>7</sup>

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 Palsie, OAQPS, October 6, 1995; and "Limited Maintenance Plan Option for Moderate PM<sub>10</sub> Nonattainment Areas," from Lydia Wegman, OAQPS, August 9, 2001. Copies of these guidance memoranda can be found in the docket for this rulemaking.

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

<sup>7</sup> See, e.g., 79 FR 41900 (July 18, 2014) (approval of the second ten-year LMP for the Grant County 1971 SO<sub>2</sub> 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);



- 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 65611-51H>

#### 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.**

\* \* \* \* \*

(dl \* \* \*

**EPA-APPROVED KENTUCKY SOURCE-SPECIFIC REQUIREMENTS**

Name of source	Permit No.	State effective date	EPA approval date	Explanations
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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-S0-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](http://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](http://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](mailto: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).<sup>1</sup> 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-

<sup>1</sup> In March 2008, EPA completed another review of the primary and secondary ozone NAAQS and lightened 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 lightened them by lowering the level for both to 0.070 ppm. See BO 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.<sup>2</sup> 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 memo<sup>3</sup> 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 values<sup>4</sup> when they are well below the standard and have been historically stable.<sup>5</sup> 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,<sup>6</sup>

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

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

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

• 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.

<sup>5</sup> See "Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas," from Sally L. Shaver. OAQPS. November 16, 1994; "Liroited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas," from Joseph Paisie. OAQPS. October 6, 1995; and "Liroited Maintenance Plan Option for Moderate PM<sub>10</sub> Nonattainment Areas," from Lydia Wegman. OAQPS, August 9, 2001.

• The prior memos addressed: unclassifiable areas under the 1-hour ozone NAAQS, nonattainment areas for the PM<sub>10</sub> (particulate matter with an aerodynamic diameter less than 10 microns)

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

<sup>7</sup> *See, e.g.*, 79 FR 41900 [July 18, 2014] (approval of the second ten-year LMP for the Grant County 1971 SO<sub>2</sub> maintenance area).

<sup>2</sup> 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.

<sup>3</sup> 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 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.

\* \* \* \* \*  
(el \* \* \*

#### 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, <b>WV-KY Maintenance Area</b> .	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 6560-0P

#### 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 (SJVAPCD), 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](mailto: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](mailto: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](mailto:SchwenkMueller.Sina@epa.gov). **SUPPLEMENTARY INFORMATION:** Throughout this document, "we," "us," and "our" refer to the EPA.

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