

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

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

Associated with the:

Amendment #3-KYTC
FY2023-2026 Transportation Improvement Program

March 7, 2025

**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 3-KYTC amends the Clarksville MPO's FY2023 - FY2026 Transportation Improvement Program (TIP), to add NH funds for ROW, Utilities and CONST to TIP project #16, I-24/KY-115 Interchange (Exit 89). The project termini is "I-24/KY-115 interchange (Exit 89); BMP: 88.10 to EMP: 89.40" with the length of 1.30 miles. The project description is to improve capacity and mobility of the I-24/KY-115 interchange (Exit 89), in Christian County, KY (2022BOP) (2024CCR). The total cost estimate is \$30,000,000. The work to be done will be reconstructing ramps and adding a center lane to KY-115 interchange.

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 and 2015 ozone NAAQS on July 20, 2012 and August 3, 2018 respectively.

This Conformity Determination Report (CDR) is being written for 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 CAA of 1977, which included a provision to ensure that transportation investments conform to a SIP for meeting the federal air quality standards. Conformity requirements were made substantially more rigorous in the CAA Amendments of 1990. The transportation conformity regulations that detail implementation of the CAA requirements were first issued in November 1993, and have been amended several times. The regulations establish the criteria and procedures for transportation agencies to demonstrate that air pollutant emissions from MTPs, TIPs and projects are consistent with

("conform to") the State's air quality goals in the SIP. This document has been prepared for State and local officials who are involved in decision making on transportation investments.

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

On June 15, 2004, EPA designated both Montgomery and Christian Counties under subpart 1 of the CAA and as such is referred to as a "Basic" 8-hour ozone nonattainment area for the 1997 8-hour ozone NAAQS. Basic 8-hour ozone nonattainment areas had 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 a "donut" area for the purposes of implementing transportation conformity.

FY2023-FY2026 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

The amended FY2023-FY2026 (October 1, 2022 through September 30, 2026) TIP is a subset of the 2050 MTP. All of the projects in the FY2023-FY2026 TIP are in the 2050 MTP. The FY2023-FY2026 TIP was adopted 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 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 3-KYTC for adoption by the MPO Executive Board is in Appendix A.

TRANSPORTATION CONFORMITY DETERMINATION: GENERAL PROCESS

Per the court's decision in South Coast II, beginning February 16, 2019, a transportation conformity determination for the 1997 ozone NAAQS will be needed in 1997 ozone NAAQS nonattainment and maintenance areas identified by EPA¹ for certain transportation activities, including updated or amended MTPs and TIPs. US DOT made its 1997 ozone NAAQS conformity determination for the 2050 MTP on March 7, 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 3-KYTC to the FY2023- FY2026 TIP.

TRANSPORTATION CONFORMITY REQUIREMENTS

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

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

For the 1997 ozone NAAQS areas, transportation conformity for MTPs and TIPs for the 1997 ozone NAAQS can be demonstrated without a regional emissions analysis, per 40 CFR 93.109(c). This provision states that the regional emissions analysis requirement applies one year after the effective

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

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

date of EPA's nonattainment designation for a NAAQS and until the effective date of revocation of such NAAQS for an area. The 1997 ozone NAAQS revocation was effective on April 6, 2015, and the South Coast II court decision upheld the revocation. As no regional emission analysis is required for this conformity determination, there is no requirement to use the latest emissions model, or budget or interim emissions tests.

Therefore, transportation conformity for the 1997 ozone NAAQS for Clarksville Area MPO's 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 utilized a phone conference to discuss the review of Amendment 3-KYTC for the FY2023- FY2026 TIP and this short CDR. The interagency consultation meeting minutes and comments are included in Appendix B. Interagency consultation was conducted consistent with the Tennessee Conformity SIP and the Kentucky Conformity SIP.

Public consultation was conducted consistent with planning rule requirements in 23 CFR 450. In addition, as per CUAMPO's Participation Plan (PP) meeting guidelines were followed. The PP is available on the web at www.CUAMPO.com. The 14 - day public comment period opened on April 5, 2023 and closed on April 19, 2023.

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 3-KYTC to the TIP is funded by federal and KYTC state funds with a total project cost estimate of \$30 million. There is an additional \$23 million funding for Construction for out years FY2027 and FY2028. This amount is included in the \$30 million total cost. In Appendix A, please find the amendments that show the project is fiscally constrained.

CONCLUSION

This conformity demonstration for Amendment 3-KYTC 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 3-KYTC, FY2023-FY2026 TIP

Appendix B – IAC Comments / Meeting Minutes

Appendix C – Federal Register – LMP Christian County, KY

Appendix A: Amendment 3-KYTC to the FY2023-FY2026 TIP

RESOLUTION 2025-05

**APPROVING AMENDMENT #3-KYTC FOR THE FY2023-FY2026
TRANSPORTATION IMPROVEMENT PROGRAM AND ASSOCIATED SHORT
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 to add NH funding for ROW, Utilities, and CONST to TIP project# 16, I-24/KY-115 Interchange (Exit 89). This project funding is requested by KYTC to improve capacity and mobility of the I-24 interchange with reconstruction of ramps and the addition of a center turn lane on KY-115 interchange portion in Christian County along I-24 BMP: 88.10 to EMP: 89.40.

WHEREAS, members of the Interagency Consultation (IAC) agreed that this amendment is nonexempt from air quality conformity and required the associated short 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 26, 2025 and ended April 9, 2025. Said document was made available for review; and

WHEREAS, members of the TCC did recommended approval for Amendment #3-KYTC and the associated short CDR to the Executive Board;

NOW, THEREFORE, BE IT RESOLVED, that the Clarksville Urbanized Area Metropolitan Planning Organization's Executive Board does adopt Amendment #3-KYTC of the FY2023-FY2026 TIP and the associated short CDR of the Clarksville Urbanized Area.

Resolution Adopted: April 10, 2025

Mayor Wes Golden, Chairman
Clarksville Urbanized Area MPO

New
Amd KYTC#3
4/10/25

TIP Project Report
 3/5/2025

TIP ID	PIN #	Length in Miles	Lead Agency
CLK 16		1.3	KYTC
State	County		
KY			
State Route	Total Project Cost		
I-24	\$30,000,000		
Project Name			
2-10.00; I-24/KY-115 Interchange (Exit 89)			
Termini			
I-24/KY-115 interchange (Exit 89); BMP: 88.10 to EMP: 89.40			
Project Description			
Improve capacity and mobility of the I-24/KY-115 interchange (Exit 89), in Christian County, KY (2022BOP) (2024CCR)			
Long Range Plan #	Conformity Status		
Table 11.3 pg. 11/6	Non-Exempt		

FY	Phase	Funding	Programmed Funds	Fed Funds	TDOT State Fund	KYTC Funds
2025	ROW	NH	\$1,500,000	\$1,200,000	\$0	\$300,000
2026	UTILITIES	NH	\$2,000,000	\$1,600,000	\$0	\$400,000
2026	CONST	NH	\$2,000,000	\$1,600,000	\$0	\$400,000
Total			\$5,500,000	\$4,400,000	\$0	\$1,100,000



Old
Amd KYTC#3
4/10/25

TIP Project Report 3/4/2025

TIP ID	PIN #	Length in Miles	Lead Agency
CLK 16		1.3	KYTC

State	County
KY	

State Route	Total Project Cost
I-24	\$22,500,000

Project Name
2-10.00; I-24/KY-115 Interchange (Exit 89)

Termini
I-24/KY-115 interchange (Exit 89); BMP: 88.10 to EMP: 89.40

Project Description
Improve capacity and mobility of the I-24/KY-115 interchange, reconstruct ramps, add center turn lane on KY-115 interchange portion in Christian County, KY (2022BOP)

Long Range Plan #	Conformity Status
Table 11.3 pg. 11/6	Non-Exempt

FY	Phase	Funding	Programmed Funds	Fed Funds	State Fund	Local Funds
Total			\$0	\$0	\$0	\$0



New
Amd KYTC #3
4/10/23



eSTIP Fiscal Constraints Report for STIP Period 2023
Clarksville MPO

Fund Code	Fiscal Year	Budget Total	Programmed Funds	Federal Funding	TDOT State Funding	Local Funding	Federal Carryover	Remaining Balance
LOCAL	2024	\$10,237,161	\$10,237,161	\$0	\$0	\$10,237,161	\$0	\$0
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	\$500,000	\$500,000	\$500,000	\$0	\$0	\$0	\$0
NH	2025	\$1,500,000	\$1,500,000	\$1,200,000	\$0	\$300,000 KYTC Match	\$0	\$0
NH	2026	\$4,000,000	\$4,000,000	\$3,200,000	\$0	\$800,000 KYTC Match	\$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	\$31,535,250	\$31,535,250	\$25,228,200	\$6,307,050	\$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	\$0	\$1,818,233	\$0	\$454,558	\$0	\$2,272,791
TAP	2024	\$5,968,544	\$5,968,544	\$4,774,835	\$0	\$1,193,709	\$0	\$0

Old
Amd KYTC#3
4/10/25



eSTIP Fiscal Constraints Report for STIP Period 2023
Clarksville MPO

Fund Code	Fiscal Year	Budget Total	Programmed Funds	Federal Funding	State Funding	Local Funding	Federal Carryover	Remaining Balance
LOCAL	2024	\$10,237,161	\$10,237,161	\$0	\$0	\$10,237,161	\$0	\$0
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	\$500,000	\$500,000	\$500,000	\$0	\$0	\$0	\$0
NH	2025	\$0	\$0	\$0	\$0	\$0	\$0	\$0
NH	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	\$31,535,250	\$31,535,250	\$25,228,200	\$6,307,050	\$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	\$0	\$1,818,233	\$0	\$454,558	\$0	\$2,272,791
TAP	2024	\$6,671,544	\$6,671,544	\$5,337,235	\$0	\$1,334,309	\$0	\$0

APPENDIX C: IAC CALL MINUTES/COMMENTS:

03/13/2025

Meeting (virtual): IAC Call for Amendment #3-KYTC FY2023-2026 Transportation Improvement Program

Connectivity details: <https://meet.goto.com/198456477>

Attendees:

1. Jill Hall
2. Michael Ziarnek
3. Marc Corrigan, TDEC APC
4. Dianna Myers, EPA-R4
5. Blake Borwig
6. Nick Vail
7. Sunday Gotvald
8. Melanie Murphy
9. Emma Moreo
10. Andres Ramirez
11. Jayalakshmi Balaji
12. Dasha Korostina
13. Herman L Wright

The amendment is being done to address the future growth in the intersection area (i.e., Buckee's). The I-24/KY-115 Interchange (Exit 89) has been discussed prior to the Buckee's announcement with the following concerns:

- Safety issues
- Lighting issues
- Oak Grove truck stop currently has some turning issues/safety concerns

Mr. Vail stated that a letter of concurrence would come after a 30-day review after the project is adopted by the MPO's Executive Board and submitted to KYTC.

Ms. Balaji asked if this project was selected in the SHIFT process by the MPO. Ms. Hall said that it had been sponsored by the MPO and that she coordinates the SHIFT and Boost points with Nick Hall at the KYTC District office.

Ms. Myers said the MPO would be out of the 20-year maintenance for the 1997, 8-hour ozone standard in November 2025 for Tennessee and in February 2026 for Kentucky. The MPO will receive a letter from EPA stating this prior to the date. The MPO will no longer have to do conformity determination once this occurs.

There were no additional comments and the meeting ended.



Jill Hall <jill.hall@cityofclarksville.com>

Please review and give your concurrence to the short CDR for amd 3-KYTC for ID# 2-10.00

21 messages

Jill Hall <jill.hall@cityofclarksville.com>

Fri, Mar 7, 2025 at 11:32 AM

To: John Ballantyne <john.ballantyne@dot.gov>, Herman Wright <herman.wright@tn.gov>, "Sean Santalla (FHWA)" <sean.santalla@dot.gov>, Jay Balaji <jay.balaji@ky.gov>, Clair Oyler <claire.oyler@ky.gov>, Dianna Myers <Myers.dianna@epa.gov>, Simone Jarvis <Jarvis.Simone@epa.gov>, dasha korostina <Dasha.korostina@ky.gov>, Jill Hall <jhall@cityofclarksville.com>, "Murphy, Melanie (FHWA)" <melanie.murphy@dot.gov>, Richard Wong <Wong.Richard@epa.gov>, Kelly Lewis <kelly.lewis@ky.gov>, Justin Harrod <Justin.Harrod@ky.gov>, Andres Ramirez <andres.ramirez@dot.gov>, Marc Corrigan <marc.corrigan@tn.gov>, "Vail, Nick (FHWA)" <nick.vail@dot.gov>, Blake Borwig <blake.borwig@ky.gov>, Mikael Pelfrey <mikael.pelfrey@ky.gov>
Cc: "Michael Ziarnek, AICP" <michael.ziarnek@cityofclarksville.com>

To All:

I've attached the short CDR for amendment #3-KYTC for TIP project ID# 2-10.00 to add NH funds to ROW, Utilities, and CONST.

Please review and give your concurrence to the short CDR for Amd #3-KYTC by March 28th. The MPO's Executive Board meeting is scheduled for April 10th to adopt the amendment. If you have any questions or comments, please email me.

Thank you,

Jill Hall

Clarksville MPO



CompleteShortCDR for Amd3KYTC 020725.pdf

1410K

Vail, Nick (FHWA) <nick.vail@dot.gov>

Mon, Mar 10, 2025 at 7:55 AM

To: Jill Hall <jill.hall@cityofclarksville.com>, "Ballantyne, John (FHWA)" <John.Ballantyne@dot.gov>, Herman Wright <herman.wright@tn.gov>, "Santalla, Sean (FHWA)" <sean.santalla@dot.gov>, Jay Balaji <jay.balaji@ky.gov>, Clair Oyler <claire.oyler@ky.gov>, Dianna Myers <Myers.dianna@epa.gov>, Simone Jarvis <Jarvis.Simone@epa.gov>, dasha korostina <Dasha.korostina@ky.gov>, Jill Hall <jhall@cityofclarksville.com>, "Murphy, Melanie (FHWA)" <melanie.murphy@dot.gov>, Richard Wong <Wong.Richard@epa.gov>, Kelly Lewis <kelly.lewis@ky.gov>, Justin Harrod <Justin.Harrod@ky.gov>, "Ramirez, Andres (FTA)" <andres.ramirez@dot.gov>, Marc Corrigan <marc.corrigan@tn.gov>, Blake Borwig <blake.borwig@ky.gov>, Mikael Pelfrey <mikael.pelfrey@ky.gov>
Cc: "Michael Ziarnek, AICP" <michael.ziarnek@cityofclarksville.com>

Jill,

FHWA-KY requests that CUAMPO set up a brief IAC conference call to discuss this non-exempt amendment. I think it would be helpful as Clarksville rarely has non-exempt amendments for projects in KY and we have some new faces on the IAC. Probably won't take more than 15-30 minutes.

Also, Sunday Gotvald (gotvald.sunday@epa.gov) has replaced Richard Wong at USEPA-R4 and Emma Moreo (emma.moreo@ky.gov) should be added to your other two KY DAQ contacts moving forward.

Thanks!

Nick Vail, FHWA-KY

Community Planner

Jill Hall <jill.hall@cityofclarksville.com>

To: "Vail, Nick (FHWA)" <nick.vail@dot.gov>

Cc: "Ballantyne, John (FHWA)" <John.Ballantyne@dot.gov>, Herman Wright <herman.wright@tn.gov>, "Santalla, Sean (FHWA)" <sean.santalla@dot.gov>, Jay Balaji <jay.balaji@ky.gov>, Clair Oyler <claire.oyler@ky.gov>, Dianna Myers <Myers.dianna@epa.gov>, Simone Jarvis <Jarvis.Simone@epa.gov>, dasha korostina <Dasha.korostina@ky.gov>, Jill Hall <jhall@cityofclarksville.com>, "Murphy, Melanie (FHWA)" <melanie.murphy@dot.gov>, Kelly Lewis <kelly.lewis@ky.gov>, Justin Harrod <Justin.Harrod@ky.gov>, "Ramirez, Andres (FTA)" <andres.ramirez@dot.gov>, Marc Corrigan <marc.corrigan@tn.gov>, Blake Borwig <blake.borwig@ky.gov>, Mikael Pelfrey <mikael.pelfrey@ky.gov>, "Michael Ziarnek, AICP" <michael.ziarnek@cityofclarksville.com>, Gotvald Sunday <gotvald.sunday@epa.gov>, Emma Moreo <emma.moreo@ky.gov>

To All:

Below is the link for times for a brief IAC conference call to discuss this non-exempt amendment. It shouldn't take over 15-30 minutes. Please select available times.

<https://doodle.com/group-poll/participate/dw2oy11b>

Thank you for participating!

Jill

<https://mail.google.com/mail/u/0/?ik=cf3c7b3c98&view=pt&search=all&permthid=thread-a:r-1529404080044020467&simpl=msg-a:r18983408238944...> 3/16

Marc Corrigan <Marc.Corrigan@tn.gov>

Thu, Mar 13, 2025 at 10:26 AM

To: "jill.hall@cityofclarksville.com" <jill.hall@cityofclarksville.com>, John Ballantyne <john.ballantyne@dot.gov>, Herman Wright <Herman.Wright@tn.gov>, "Santalla, Sean (FHWA)" <sean.santalla@dot.gov>, Jay Balaji <jay.balaji@ky.gov>, Clair Oyler <claire.oyler@ky.gov>, Dianna Myers <Myers.dianna@epa.gov>, Simone Jarvis <Jarvis.Simone@epa.gov>, dasha korostina <Dasha.korostina@ky.gov>, Jill Hall <jhall@cityofclarksville.com>, "Murphy, Melanie (FHWA)" <melanie.murphy@dot.gov>, Richard Wong <Wong.Richard@epa.gov>, Kelly Lewis <kelly.lewis@ky.gov>, Justin Harrod <Justin.Harrod@ky.gov>, Andres Ramirez <andres.ramirez@dot.gov>, "Vail, Nick (FHWA)" <nick.vail@dot.gov>, Blake Borwig <blake.borwig@ky.gov>, Mikael Pelfrey <mikael.pelfrey@ky.gov>
Cc: "michael.ziarnek" <michael.ziarnek@cityofclarksville.com>

Jill,

Thank you for discussing this CDR with the IAC this morning. I have a few comments to share:

1. In the fiscal constraint section, page 5, it mentions a project cost \$30,000,000. On the call you mentioned that is the actual cost (not \$5.5M). Anyone reading this, as I did at first, might think this is a typo. I recommend adding explanation in the narrative as to the cost and why it does not reflect the same on the TIP sheet to avoid confusion.
2. Page 1, 4th paragraph references the 2020-23 TIP.
3. Page 4, Consultation Requirements Section, first paragraph there is a typo in the Sentence beginning "The IAC utilized...".

Those are the comments I have at this time. Thank you for the discussion this morning.

Marc

Jill Hall <jill.hall@cityofclarksville.com>

Thu, Mar 13, 2025 at 10:52 AM

To: Marc Corrigan <Marc.Corrigan@tn.gov>

Cc: John Ballantyne <john.ballantyne@dot.gov>, Herman Wright <Herman.Wright@tn.gov>, "Santalla, Sean (FHWA)" <sean.santalla@dot.gov>, Jay Balaji <jay.balaji@ky.gov>, Clair Oyler <claire.oyler@ky.gov>, Dianna Myers <Myers.dianna@epa.gov>, Simone Jarvis <Jarvis.Simone@epa.gov>, dasha korostina <Dasha.korostina@ky.gov>, Jill Hall <jhall@cityofclarksville.com>, "Murphy, Melanie (FHWA)" <melanie.murphy@dot.gov>, Richard Wong <Wong.Richard@epa.gov>, Kelly Lewis <kelly.lewis@ky.gov>, Justin Harrod <Justin.Harrod@ky.gov>, Andres Ramirez <andres.ramirez@dot.gov>, "Vail, Nick (FHWA)" <nick.vail@dot.gov>, Blake Borwig <blake.borwig@ky.gov>, Mikael Pelfrey <mikael.pelfrey@ky.gov>, "michael.ziarnek" <michael.ziarnek@cityofclarksville.com>

Thank you Marc. I'll make the corrections and add an explanation on the total cost in the document. Jill

[Quoted text hidden]

Jill Hall <jill.hall@cityofclarksville.com>

To: Marc Corrigan <Marc.Corrigan@tn.gov>

Cc: John Ballantyne <john.ballantyne@dot.gov>, Herman Wright <Herman.Wright@tn.gov>, "Santalla, Sean (FHWA)" <sean.santalla@dot.gov>, Clair Oyler <claire.oyler@ky.gov>, Dianna Myers <Myers.dianna@epa.gov>, Simone Jarvis <Jarvis.Simone@epa.gov>, dasha korostina <Dasha.korostina@ky.gov>, Jill Hall <jhall@cityofclarksville.com>, "Murphy, Melanie (FHWA)" <melanie.murphy@dot.gov>, Kelly Lewis <kelly.lewis@ky.gov>, Justin Harrod <Justin.Harrod@ky.gov>, Andres Ramirez <andres.ramirez@dot.gov>, "Vail, Nick (FHWA)" <nick.vail@dot.gov>, Blake Borwig <blake.borwig@ky.gov>, Mikael Pelfrey <mikael.pelfrey@ky.gov>, "michael.ziarnek" <michael.ziarnek@cityofclarksville.com>, Gotvald Sunday <gotvald.sunday@epa.gov>, "Balaji, Jayalakshmi J (KYTC)" <Jayalakshmi.Balaji@ky.gov>, Emma Moreo <Emma.moreo@ky.gov>

IAC Members:

I've attached the short conformity determination report for amendment #3KYTC with the corrections made on pages #1, #4, and added an explanation of the total cost on page #5 under Fiscal Constraint. The minutes from the IAC call have been added in Appendix C.

Thank you,

Jill

[Quoted text hidden]



Complete Short CDR for Amd 3KYTC 031325.pdf
1584K

APPENDIX D: FEDERAL REGISTER 1997 LIMITED MAINTENANCE PLAN –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) * * *

Table with 4 columns: Provision, State effective date, EPA approval date, Explanation. Row 1: 110(a)(1) and (2) Infrastructure Requirements for the 2015 8-Hour Ozone NAAQS, 9/7/2018 12/2/2021, [Insert citation of publication] Addressing Prongs 1 and 2 of section 110(a)(2)(D)(i)(I) only.

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

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

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

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

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

DATES: This rule is effective January 3, 2022.

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

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

SUPPLEMENTARY INFORMATION:

I. Background

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

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

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

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

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

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

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

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

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

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

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

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

"Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas," from

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

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

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

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

⁷ The prior memos addressed: Unclassifiable areas under the 1-hour ozone NAAQS, nonattainment areas for the PM₁₀ (particulate matter with an aerodynamic diameter less than 10 microns) NAAQS, and nonattainment for the carbon monoxide (CO) NAAQS.

⁸ See, e.g., 79 FR 41900 (July 16, 2014) (approval of the second ten-year LMP for the Grant County 1971 SO₂ maintenance area).

II. Final Action

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

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

III. Statutory and Executive Order Reviews

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

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

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

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

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

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

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

List of Subjects in 40 CFR Part 52

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

Dated: November 26, 2021.

John Blevins,
Acting Regional Administrator, Region 4.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

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

§ 52.2220 Identification of plan.

* * * * *
(e) * * *

EPA-APPROVED TENNESSEE NON-REGULATORY PROVISIONS

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

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 100

RIN 0906-AB27

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

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

ACTION: Final rule.

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

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

DATES: This rule is effective January 3, 2022.

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

SUPPLEMENTARY INFORMATION:

I. Background

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



PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart S—Kentucky

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

- a. Removing the entries for “Operating Permits for nine presses at the Alcan Foil Products facility—Louisville” and “Reynolds Metals Company”; and
- b. Adding a new entry for “Board Order for LL Flex, LLC” at the end of the table.

The addition reads as follows:

§ 52.920 Identification of plan.

* * * * *

(d) * * *

EPA-APPROVED KENTUCKY SOURCE-SPECIFIC REQUIREMENTS

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

* * * * *

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

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

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

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

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

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

DATES: This rule is effective October 31, 2022.

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

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

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

SUPPLEMENTARY INFORMATION:

I. Background

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

II. Final Action

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

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

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

III. Statutory and Executive Order Reviews

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

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

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

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

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

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

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

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

List of Subjects in 40 CFR Part 52

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

Dated: September 23, 2022.
Daniel Blackman,
Regional Administrator, Region 4.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart S—Kentucky

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

§ 52.920 Identification of plan.

* * * * *
 (e) * * *

EPA-APPROVED KENTUCKY NON-REGULATORY PROVISIONS

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

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

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

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

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

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

emission sources and identifies deficiencies with the rule that must be corrected for the EPA to grant full approval of the rule. We are also finalizing disapprovals of the reasonably available control technology (RACT) demonstrations for the 2008 and 2015 ozone National Ambient Air Quality Standards (NAAQS) for sources covered by the EPA’s 2016 Control Techniques Guidelines for the Oil and Natural Gas Industry (Oil and Gas CTG) for the Sacramento Metropolitan Air Quality Management District (SMAQMD), San Joaquin Valley Air Pollution Control District (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. Donnique Sherman, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947-4129 or by email at sherman.donique@epa.gov. Sina Schwenk-Mueller, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947-4100 or by email at SchwenkMueller.Sina@epa.gov.

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

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