



**CLARKSVILLE URBANIZED AREA  
METROPOLITAN PLANNING ORGANIZATION**

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**AGENDA**

**For the Technical Coordinating Committee and the Executive Board of the  
Clarksville Urbanized Area Metropolitan Planning Organization**

**Date:** Thursday, August 10, 2023

**Time:** 11:00 a.m.

**Location:** In person meeting at RPC lower conference room (Executive Board must be in-person to vote) and virtual access link at [www.CUAMPO.com](http://www.CUAMPO.com) website

- 1) Review, discussion and adoption of the minutes from the April 20, 2023 meeting;
- 2) Review, discussion and adoption of Resolution 2023-05 of the FY2024-FY2025 UPWP;
- 3) Review, discussion and adoption of Resolution 2023-06 for the updated Conformity Determination Report for the 2045 MTP;
- 4) Review, discussion and adoption of Resolution 2023-07 for an amendment to the 2045 MTP to add the KYTC project, ID #111, for the reconstruction of the I-24/KY-115 interchange and the associated short conformity determination report;
- 5) Review, discussion and adoption of Resolution 2023-08 for an amendment to the FY2023-FY2026 TIP for TIP project #16, I-24/KY-115 Interchange (Exit 89) and the associated short conformity determination report;
- 6) Review and discussion on the TDOT Statewide Partnership Program (SPP) for the awarding of the Tennessee Modernization Act (TMA) funds competitive grant application;
- 7) Review and Discussion to add the Highway Department Superintendent to the Executive Board by amending the MPO By-Laws. It must be discussed at this meeting and voted on at the October meeting in accordance with the By-Laws;
- 8) Review and discussion for the US Census boundary smoothing within the Clarksville MPO's MPA;
- 9) Update on Clarksville Transit System's CPT-HSTP and COA studies;
- 10) Update on 2050 MTP and SS4A Action Plan;

11) Update by Marc Corrigan, TDEC, on air quality;

12) Federal updates by Melanie Murphy, FHWA-TN;

13) New Business – members of the public and/or MPO members;

14) Adjourn.

Clarksville Urbanized Area  
Metropolitan Planning Organization (MPO)'s  
Joint Technical Coordinating Committee and Executive Board Meeting  
April 20, 2023 @ 11:00 am

In-Person Meeting in the RPC lower conference room  
with the Virtual Meeting/GoToMeet.com Option

Members Present (in-person and virtually):

Mayor Golden*	Montgomery County Mayor
Mayor Pitts*	City of Clarksville Mayor
Jonathan Russell*	Rep. Tennessee Dept. of Transportation (TDOT)
Jared Jeffers*	Rep. Kentucky Transportation Cabinet (KYTC)
Sean Pfalzer*	Greater Nashville Regional Council (GNRC)
Tom Britton*	City of Hopkinsville/CDS
Mike Ringgenberg*	CTS
Mayor Oliver*	Rep. City of Oak Grove
Bill Chaudoin*	Rep. Christian County
Jerry Gilliam	Christian County Judge Executive
Deneatra Henderson	KYTC
Beth Richardson	City of Hopkinsville
Nick Powell	Montgomery Co Engineer
Chris Olson	Montgomery Co Engineer
Dale Jones	Montgomery Co Engineer
Melanie Murphy	FHWA
Comm. Butch Eley	TDOT
Peter Roth	TDOT
Stacy Morrison	TDOT
Kat McClung	TDOT
Shawn Armstrong	TDOT, R3
Marc Corrigan	TDEC
Chris Cowan	City Engineer
Jeff Bryant	MCHD
Chris Brown	Ft. Campbell
Jerome Henderson	CSD
Joe Green	CSD
Lauren Winters	City of Clarksville
Angela Hernden	PADD
Jimmy Settle	City of Clarksville
Daniel Morris	RPC
Stan Williams	MPO
Jill Hall	MPO

\*Voting members

Mayor Pitts called the meeting to order and thanked everyone for their attendance. He began the meeting by wishing Mayor Golden a Happy Birthday. Mayor Pitts then introduced the new Mayor of Oak Grove, Ms. Jackie Oliver, and welcomed her to the meeting. He then started with the first item on the agenda: the review, discussion and adoption of the minutes from the January 19, 2023

meeting. There were no comments to the minutes. Mr. Ringgenberg made the motion to adopt the minutes and Mayor Golden seconded the motion. The minutes were adopted unanimously.

Item #2 on the agenda was the TDOT presentation by TDOT's Commissioner Butch Eley. Mayor Pitts introduced Commissioner Eley and thanked him for coming to the meeting. Commissioner Eley said the Modernization Bill passed and was the most landmark Bill to pass in many years for transportation. The Bill sets Tennessee up for the future. It will move projects quicker. Currently the average time for a project to be completed is 15 years and the cost is increased by 40% due to the extended time. The Bill allows TDOT to pursue better project delivery models and maintain a good financial position without taking on debt.

The three major components of the Bill is: 1) authority to do public/private partnership, which will free up dollars for other project, such as I-24 widening. Choice Lanes are new lanes that are funded by private sector. It is not a toll road. Choice lane drivers chooses to pay to drive on choice lanes or remain on the current system. Public transit is allowed to use choice lanes, which in turn increases ridership and improves trip times; 2) expansion of alternative delivery, which will allow larger and more projects; 3) funding changes for vehicles moving from gas to electric. The gas tax is not keeping up. The funding, designed through indexing, will allow for more revenue. Currently electric vehicles pay a \$100 fee, this will change to \$200 and then to \$274, which after studies shows this is the average paid by gas vehicles. After this indexing revenue funds will increase up to 3% for inflation per year. The Governor has proposed a \$3.3 billion budget, which is currently in the state senate and hopes it passes today. Of this amount \$300 million will go directly to each county which is a 15% increase per county. In the coming months TDOT will decide how to spend the rest of the funds. The funds will be spread across all four regions. The legislation allows for each project to be reviewed to see which one gives the most bang for the buck. TDOT will report back to the legislature and tell how the funds were spent. This will be done each July.

Mayor Pitts asked Commissioner Eley where the I-24 widening project stands. Commissioner Eley said he knows the dire need and should rank high. He can't make a commitment but understands the need.

Mayor Golden asked Commissioner Eley what the MPO can do to ensure the funding comes to our community. Commissioner Eley said the MPO was doing that by working together with TDOT with each other's priorities.

Commissioner Eley discussed the 3 year Plan. He said the budget only funds the first year of the 3 year Plan. This year will not be funded with any of the 3.3 billion because it will not be received until July. After the funds are in place TDOT will do a deep dive and direct where the funds go. This will be like a supplement to the 3 year Plan.

Mayor Pitts thanked the Commissioner and the TDOT staff for attending and presenting at the meeting.

Commissioner Eley said this is work zone safety week and to please tell others to be careful and attentive when driving through a work zone.

Item #3 on the agenda were updates by Stan Williams and KYTC representative on I-24 widening and improvements. Mr. Williams stated that on the TN side for the I-24 widening, the project would run from the TN/KY state line to east of Exit 11. The project has an estimated cost of 220 million dollars and would be done in three phases. Mrs. Henderson, KYTC District 2 Engineer, said the I-24 widening would go from the TN/KY state line to the KY-115 exit 89. The cost is estimated at 100 million dollars. This project is in the KY 6 year Plan. She said it is similar to the TN 3 year Plan, in that KY only funds the first 2 years of the 6 year Plan.

Item #4 on the agenda was the review, discussion and adoption of Resolution 2023-02 for an amendment to the FY2023-FY2026 TIP for TIP project #75, Spring Creek Pkwy, from west of Spring Creek to Wilma Rudolph Blvd including the bridge and associated short conformity

determination report. Mr. Williams stated the changes in the termini, and description and a decrease in the total cost. He said there were no comments received. Mr. Ringgenberg made the motion to adopt Resolution 2023-02 and Mayor Golden seconded the motion. The resolution was adopted unanimously.

Item #5 on the agenda was the review, discussion and adoption of Resolution 2023-03 for authorizing the filing of an application with the U.S. Dot for a grant under the IIJA for KY-5303 funds and committing the local share of funds necessary to secure a Section 5303 grant application. Mr. Williams stated this was a standard procedure to secure the KY-5303 funds used for planning by the MPO. Mayor Golden made the motion to adopt Resolution 2023-03 and Mr. Chaudoin seconded the motion. The resolution was adopted unanimously.

Item #6 on the agenda was the review, discussion and adoption of Resolution 2023-04 for an amendment to the FY2023-FY2026 TIP for CTS budget revisions. Mr. Williams said as CTS receives different grant funding, they need to do budget revision and this happens throughout the year. He stated CTS projects are exempt from conformity reports and there were no comments received from the public. Mayor Golden made the motion to adopt Resolution 2023-04 and Mr. Ringgenberg seconded the motion. The resolution was adopted unanimously.

Item #7 on the agenda was the update on the Clarksville Transit System's CPT-HSTP and COA studies. Mr. Williams said the COA is a detailed study on CTS's operations. Kimberly-Horn consultants were selected and will be under contract soon. This should be completed by December 2023. The CPT-HSTP is being performed with GNRC. The Plan targets the needs of the elderly, low income, and disabled in order to identify needs and gaps in transit service.

Item #8 on the agenda was the update by Stan Williams on the 2050 MTP development and the SS4A Action Plan. Mr. Williams said the development of the 2050 MTP is on schedule and the draft should be completed by the end of May for the review period by the states. The goal is to have the draft 2050 MTP adopted by January 2024. The SS4A Action Plan has a contract agreement with FHWA and ready to go by January 1, 2024. Mayor Pitts thanked Lauren Winters for her work on helping move this forward.

Item #9 on the agenda was the updates by the City Engineer, Chris Cowan, on the SR-237/Rossvie Road and Dunbar Cave Road project and SR-48/Trenton Road project. Mr. Cowan stated that the SR-237/Rossvie Rd and Dunbar Cave Rd was split into two projects by TDOT. The first portion was from I-24 to Dunbar Cave Rd and the second portion was the realignment of Dunbar Cave with Cardinal Lane. He said the project is waiting on a revision in TDOT Environmental office and should be in construction by the end of the year. Trenton Rd from I-24 to the 101<sup>st</sup> Pkwy is a TDOT project and is in ROW.

Item #10 on the agenda was the updates by the County Engineer, Nick Powell, on the SR-237/Rossvie Road from International Blvd to Kirkwood Road project. Mr. Powell gave an

estimated time frame for the 237/Rossvie Road project. The project started in February 2020 to begin the environmental phase; the design phase began in December 2021; the first public meeting was held in March 2022; January 2023 TDOT required another environmental review; once ROW begins it will take and estimate of 18-20 months to purchase 70 tracks; and construction is estimated to begin in late 2024 or early 2025.

Item #11 on the agenda was the updates by Jeff Bryant with the Highway Department on SR-12 at Excell Rd project. Mr. Bryant said the project is a safety concern and consist of adding a traffic signal and turn lanes. Current the project is entering into the design phase. With the identification of new schools in the area, there will be two different designs and will choose which one is best for that location and in relations to the new schools.

Item #12 on the agenda was the update by Marc Corrigan, TDEC, on air quality. Mr. Corrigan provided 2 handouts. He stated one of these is preliminary years 2020-2022 fine particulate, or PM<sub>2.5</sub> data. EPA's reconsideration of the PM<sub>2.5</sub> National Ambient Air Quality Standard, or NAAQS. The preliminary data gives you some idea of where we stand with regards to PM<sub>2.5</sub> monitoring data. In the PM<sub>2.5</sub> design value data table, there are two monitors we need to watch for this area. The first is the third one listed, which is in Christian County, Kentucky. Note that the preliminary 2020-2022 annual design value is 9.2  $\mu\text{g}/\text{m}^3$ . EPA is proposing to revise the level of the annual standard for PM<sub>2.5</sub> from its current level of 12  $\mu\text{g}/\text{m}^3$  to within the range of 9 –10  $\mu\text{g}/\text{m}^3$ . Also, EPA solicited comment on revising the level as low as 8.0  $\mu\text{g}/\text{m}^3$  and up to 11.0  $\mu\text{g}/\text{m}^3$ . This monitor is in Kentucky, and this particular monitor is significantly influenced by smoke from tobacco barns and is being look at by EPA and Kentucky. The other monitor to watch is the one in Montgomery County, which has a much lower design value. The second handout indicating the 3-year ozone design values for this ozone season so far. It is still early, but we are in ozone season, so please continue efforts to reduce ozone forming pollutants. He discussed the Climate Pollution Reduction Grants, or CPRG. This program will provide grants to states, local governments, tribes, and territories to develop and implement plans for reducing greenhouse gas emissions and other harmful air pollution. This is a two-stage grant process, the first stage is planning, the second is implementation, which includes about \$4.6 billion in competitive implementation grants, nationally. Implementation grants will be awarded through a competitive process to implement measures contained in plans developed with planning grants. Entities included in, or covered by, such plans will be eligible to apply for implementation funding. EPA anticipates that entities with existing climate plans could use planning money to update or expand their existing plans in preparation for the future implementation grants competition. TDEC has been designated as the lead agency for the CPRG Program. TDEC is looking for interested parties that would like to coordinate in developing the required pollution reduction plan. If there is an entity that is interested, they should reach out to TDEC APC's director, Michelle Owenby, with a summary of who they represent, what areas of the state they are representing (by county), and whether they would be willing to provide a letter of commitment to coordinate with TDEC as they develop the plan. TDEC's application to EPA is due April 28th. Funding for the planning phase is expected sometime this summer.

Item #13 on the agenda was the Federal updates by Melanie Murphy, FHWA-TN. Ms. Murphy listed three new funding opportunities: 1) Charging and Fueling Infrastructure Grants (CFI Program). The CFI Program offers two types of funding opportunities: the Community Charging and Fueling Grants, and the Alternative Fuel Corridor Grants. The deadline for these grants is May 30, 2023; 2) Safe Streets 4 All (SS4A) Grant, which Clarksville MPO received, is in two phases the first portion is the Planning/Demonstration Grant and the Implementation Grant. The SS4A has a July 10, 2023 deadline; 3) Wildlife Crossing Grant, which has a deadline of August 1, 2023.

Item #14 on the agenda was new business from members of the public and/or MPO members. Mayor Golden said if possible to speed up environmental process at TDOT. There was no new business from the public.

Item #15 Mayor Pitts adjourned the meeting.

Dated: April 20, 2023

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Mayor Joe Pitts, Chairman  
MPO Executive Board

**RESOLUTION 2023-05**

**APPROVING THE FINAL  
FY2024-FY2025 UNIFIED PLANNING WORK PROGRAM (UPWP)  
OF 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**, Title 23 USC, Section 134, the Federal Urban Mass Transportation Act of 1964 as amended, and 23 CFR part 420 Subpart A, requires the preparation of a UPWP in areas involved in urban planning;

**WHEREAS**, the Clarksville Urbanized Area MPO is the organization designated by the Governor as the MPO and has therefore, prepared a UPWP to define the scope of work necessary to meet the needs of this region; and

**WHEREAS**, the UPWP identifies funding sources and transportation planning activities to be undertaken by local, regional, and state agencies for the Clarksville Urbanized Area during FY2024 through FY2025; and

**WHEREAS**, the FY2024-FY2025 UPWP was developed in cooperation with the Tennessee Department of Transportation (TDOT), the Kentucky Transportation Cabinet (KYTC) and Clarksville Transit System (CTS); and

**WHEREAS**, the format and content of the document strives to address the specific comments that the Federal Highway Administration, Federal Transit Administration, TDOT and KYTC had provided; and

**WHEREAS**, members of the MPO's Technical Coordinating Committee agree that the UPWP will effectively advance the transportation planning program in FY2024 and FY2025; and

**NOW THEREFORE BE IT RESOLVED**, that the MPO's Executive Board approves the FY2024-FY2025 Unified Planning Work Program of the Clarksville Urbanized Area at its meeting on August 10, 2023.

**RESOLUTION APPROVED:**

**Authorized Signature:**

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Mayor Joe Pitts, Chairman  
Executive Board



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# **Clarksville Urbanized Area Metropolitan Planning Organization**

## **FY2024-FY2025 UNIFIED PLANNING WORK PROGRAM** October 1, 2023 – September 30, 2025

Federal Project (TN) No. SPR-PL-3M(420)  
Federal Project (KY) No. 0023025  
Federal Project (KY) No. **KY-2021-030-00**



Website location of 2024-2025 UPWP: <http://www.cuampo.com/plansReports.php>

## **Federal Fiscal Year 2024-2025**

329 Main Street, Clarksville, Tennessee 37040 • 931-645-7448 • (FAX) 931-645-7481  
E-Mail: [stan.williams@cityofclarksville.com](mailto:stan.williams@cityofclarksville.com)

## **RESOLUTION 2023-06**

### **APPROVING THE UPDATED TRANSPORTATION CONFORMITY ANALYSIS FOR THE CLARKSVILLE AREA 2045 METROPOLITAN TRANSPORTATION PLAN (MTP)**

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

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

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

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

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

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

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

WHEREAS, Interagency Consultation has taken place on a new Conformity Determination Report for the 2045 MTP to ensure it complies with all applicable federal regulations and guidelines;

WHEREAS; the locally developed Participation Plan has been followed. The 30-day public review period began on July 10, 2023 and ended on August 9, 2023. Said document was made available for review;

WHEREAS, members of the Clarksville Urbanized Area Metropolitan Planning Organization's Technical Coordinating Committee do concur with the findings in the report of the Final Transportation Conformity Determinations for the 2045 MTP;

NOW THEREFORE BE IT RESOLVED, that the Clarksville Urbanized Area Metropolitan Planning Organization's Executive Board endorses and recommends for approval the updated Transportation Conformity Determinations for the 2045 MTP.

Resolution Approval Date:

August 10, 2023

Authorized Signature:

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Mayor Joe Pitts, Chairman  
MPO Executive Board

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

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

**Associated with the  
2045 Metropolitan Transportation Plan**

Available for review:

[http://www.cuampo.com/wp-content/uploads/2020/02/Clarksville\\_MTP\\_2045-1.pdf](http://www.cuampo.com/wp-content/uploads/2020/02/Clarksville_MTP_2045-1.pdf)

Adopted August 10, 2023

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## **Acknowledgement**

The Clarksville Urbanized Area Metropolitan Planning Organization (CUAMPO) prepared this Transportation Conformity Determination Report (CDR) for the 2045 Metropolitan Transportation Plan (MTP). Individuals from the following agencies contributed their efforts towards the completion of the CDR. They include:

Federal Highway Administration, TN and KY Divisions

Federal Transit Administration, Region 4

Environmental Protection Agency, Region 4

Tennessee Department of Transportation (TDOT)

Kentucky Transportation Cabinet (KYTC)

TN Department of Environment & Conservation

Kentucky Energy & Environment Cabinet

TDOT and KYTC Multimodal

Clarksville Transit System

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## Executive Summary

As part of its transportation planning process, the CUAMPO completed the transportation conformity process for the 2045 Metropolitan Transportation Plan (MTP) adopted by the CUAMPO Executive Board on January 17, 2019 (see Appendix A for associated resolution). Although the MTP is updated every five (5) years, the Conformity Determination Report (CDR) is required to be updated every four (4) years or the conformity will lapse. This CDR is required in order for there not to be a lapse in conformity for the 2045 MTP. This report documents that the 2045 MTP meets the federal transportation conformity requirements in 40 CFR Part 93.

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

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

This CDR is being written for and the 2045 MTP to address the 1997 ozone NAAQS, and is consistent with CAA requirements, existing associated regulations at 40 CFR Parts 51.390 and 93, and EPA's *Transportation Conformity Guidance for the South Coast II Court Decision* issued on November 29, 2018.

## **1.0 TRANSPORTATION CONFORMITY PROCESS**

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

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

On June 15, 2004, EPA designated both Montgomery and Christian Counties under subpart 1 of the CAA and as such is referred to as a "Basic" 8-hour ozone nonattainment area for the 1997 8-hour ozone NAAQS. Basic 8-hour ozone nonattainment areas had 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 (LMP) for the Montgomery County Area and Christian County Area respectively to provide for the maintenance of the 1997 8-hour ozone NAAQS through November 21, 2025 for the TN portion, and through February 24, 2026 for the KY portion for 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.

## **2.0 2045 METROPOLITAN TRANSPORTATION PLAN (MTP)**

The updated 2045 MTP is the long-range transportation plan for the Clarksville MPA and replaces the 2040 MTP. The 2045 MTP and the associated CDR for KY and TN were adopted on January 17, 2019. This new CDR is required to prevent a lapse in the conformity process for the 2045 MTP. The 2045 MTP is developed on a five-year cycle, while the CDR is developed on a four-year cycle. A new CDR is required for the 2045 MTP for the additional year of the 2045 MTP. A performance-based approach to metropolitan transportation planning was utilized in the development of 2045 MTP, which sets a regional vision and course of action for addressing the transportation needs of the Clarksville MPA over the next twenty-seven years. The 2045 MTP is available on the web at [www.CUAMPO.com](http://www.CUAMPO.com).

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

The amended FY2023-FY2026 (October 1, 2022 through September 30, 2026) TIP is a subset of the 2045 MTP. All of the projects in the FY2023-FY2026 TIP are in the 2045 MTP. The FY2023-FY2026 TIP replaces the FY2020-FY2023 TIP for the Clarksville area.

Under federal law, the TIP:

- Is developed by the MPO in cooperation with the States and public transit operators,
- Must be consistent on a project level with the approved 2045 MTP,
- Must include all regionally significant projects and those funded with federal transportation funds,
- Must include a financial plan demonstrating how the approved TIP can be implemented with existing and anticipated revenue,
- Must be incorporated directly, without change, into the STIP, and
- Must include performance measures and the anticipated effects of the TIP on achieving those targets.

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

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

#### **4.0 TRANSPORTATION CONFORMITY DETERMINATION: GENERAL PROCESS**

Per the court's decision in South Coast II, beginning February 16, 2019, a transportation conformity determination for the 1997 ozone NAAQS will be needed in 1997 ozone NAAQS nonattainment and maintenance areas identified by EPA<sup>1</sup> for certain transportation activities, including updated or amended MTPs and TIPs. US DOT made its 1997 ozone NAAQS conformity determination for the 2045 MTP on February 15, 2019 and is currently waiting for approval for the FY2023-FY2026 TIP from EPA/FHWA/FTA. Transportation conformity is required no less frequently than every four years. This conformity determination report addresses transportation conformity requirements for the 2045 MTP. This CDR is required to prevent a lapse in conformity for the 2045 MTP that is updated every five years.

#### **5.0 TRANSPORTATION CONFORMITY REQUIREMENTS**

On November 29, 2018, EPA issued Transportation Conformity Guidance for the South Coast II Court Decision<sup>2</sup> (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

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<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>.

CFR 93.109(c). This provision states that the regional emissions analysis requirement applies one year after the effective date of EPA's nonattainment designation for a NAAQS and until the effective date of revocation of such NAAQS for an area. The 1997 ozone NAAQS revocation was effective on April 6, 2015, and the South Coast II court decision upheld the revocation. As no regional emission analysis is required for this conformity determination, there is no requirement to use the latest emissions model, or budget or interim emissions tests.

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

## **5.1 LATEST PLANNING ASSUMPTIONS**

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

## **5.2 CONSULTATION REQUIREMENTS**

The consultation requirements in 40 CFR 93.112 were addressed both for interagency consultation and public consultation. Interagency consultation was conducted with Federal Highway Administration, TN and KY Divisions, Tennessee Department of Transportation (TDOT), Kentucky Transportation Cabinet (KYTC), EPA Region 4, TN Department of Environment & Conservation (TDEC), Kentucky Energy & Environment Cabinet (EEC), Federal Transit Administration Region (FTA) 4, TDOT and KYTC Multimodal, and the Clarksville Transit System. The IAC utilized email/computer conference to discuss the review of the 2045 MTP and the CDR. The interagency consultation meeting minutes and comments are included in Appendix C. Interagency consultation was conducted consistent with the Tennessee Conformity SIP and the Kentucky Conformity SIP.

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

followed. The PP is available on the web at [www.CUAMPO.com](http://www.CUAMPO.com). The 14 - day public comment period opened on July 10, 2023 and closed on August 9, 2023.

### **5.3 TIMELY IMPLEMENTATION OF TCMs**

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

### **5.4 FISCAL CONSTRAINT**

Transportation conformity requirements in 40 CFR 93 states that MTPs and TIPs must be fiscally constrained consistent with DOT's metropolitan planning regulations at 23 CFR part 450. As demonstrated in Chapter 11, pages 1 – 11 of the 2045 MTP shown in Appendix E; and in Section 2, pages 40 – 45 of the FY2023 – FY2026 TIP, these documents are fiscally constrained.

### **CONCLUSION**

This conformity demonstration for the 2045 MTP demonstrates that the planning documents meet the Clean Air Act and Transportation Conformity rule requirements for the 1997 8-hour ozone NAAQS.

Appendix A – 2045 MTP Resolution and the original Conformity Analysis for the 2045 MTP

Appendix B – IAC Comments

Appendix C – Public Notices & Comments Received

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

Appendix E - Fiscal Constraint Tables of 2045 MTP

# APPENDIX A

## 2045 MTP RESOLUTION

### **RESOLUTION 2023-05**

### **APPROVING THE TRANSPORTATION CONFORMITY ANALYSIS FOR THE CLARKSVILLE AREA 2045 METROPOLITAN TRANSPORTATION PLAN (MTP)**

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

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

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

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

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

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

**WHEREAS**, Interagency Consultation has taken place on a new Conformity Determination Report for the 2045 MTP to ensure it complies with all applicable federal regulations and guidelines;

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

**WHEREAS**, members of the Clarksville Urbanized Area Metropolitan Planning Organization's Technical Coordinating Committee do concur with the findings in the report of the Transportation Conformity Determinations for the 2045 MTP;

**NOW THEREFORE BE IT RESOLVED**, that the Clarksville Urbanized Area Metropolitan Planning Organization's Executive Board endorses and recommends for approval the Transportation Conformity Determinations for the 2045 MTP.

Resolution Approval Date: August 10, 2023

Authorized Signature: \_\_\_\_\_  
Mayor Joe Pitts, Chairman  
MPO Executive Board

# APPENDIX B

## IAC Comments

**Marc Corrigan**

Wed, Apr 19, 1:17 PM (21 hours ago)

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

Please see below for my comments:

On the bottom of page 5, in the discussion of the LMPs, the TN portion's LMP assures maintenance through November 21, 2025, and the KY portion through February 24, 2026. A minor detail, but one we should track. This will mark the end of the maintenance period for each area, and potentially the end of the transportation conformity requirement.

On the bottom of page 8, there is mention of amendments to the MTP and TIP. This CDR addresses the whole MTP (which includes all amendments), not the mentioned amendments, correct?

On page 10, the resolution title uses the word "final". This may not be the last one, as the MTP under development will also need an associated conformity determination. Would recommend striking "final" here and a few other occurrences.

In the resolution, the first whereas, is the year correct? I believe president Bush signed the CAA amendments of 1990 in November of 1990.

The last whereas on page 10 could be removed since the new maintenance plans (LMPs) do not have MVEBs. Last whereas, recommend removing "final" here too. Also in the next paragraph. The date in the public notice by which those requesting accommodations is October 14, 2022. This should be revised.

I think the IAC has discussed this before, but I do not recall the resolution. In table 11.1, the costs exceed the funds. I believe this was somehow due to state funded project (the improve Act?) not included in the funds figures. I would recommend some language in this section to explain this as anyone simply looking at the table may not conclude the MTP is fiscally constrained.

You might consider including the email below in the appendix on consultation.

Please let me know if any of the above need further explanation.

Marc

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

**Wed, Apr 19, 1:38 PM**

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

Thank you Marc! I've made the corrections and will add something about the fiscal constraint. Jill

**Murphy, Melanie (FHWA)**

**8:44 AM (1 hour ago)** to John, Jonathan, Marc, me, Sarah, Sean, Dianna, dasha, Kelly, Richard, Jill, Kelly, stan.williams@cityofclarksville.com, Lauren, Anna, Andres, Eric, Nick, Jahan, Mikael, Contact Jill,  
See my comments below.

- On page 7, under section 4.0, remove the word short in the second to last sentence.
- On page 8, under section 5.1, reference the MTP instead of the TIP in the last sentence of that section.
- At the top of page 9, the public comment period should be updated to 30 days from May 3 to June 2. Let me know if you have any questions. Thanks!

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

**Thu, Apr 20, 9:27 AM**

**to Melanie**

Thanks so much!! Jill

Attachments

**Bowman, Anna M (EEC)**

**Mon, Apr 24, 11:13 AM (2 days ago)**

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

My comments are highlighted in the attached updated draft accounting for Marc's comments . I also highlighted what Melanie already commented on. Thanks!

Best,

Anna Bowman

Kentucky Division for Air Quality

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

**Mon, Apr 24, 11:24 AM**

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

Anna,

I'll make the corrections from your review.

Thanks,

Jill

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

**Mon, Apr 24, 11:32 AM (2 days ago)**

to anna.bowman@ky.gov, Sarah, marc.corrigan@tn.gov, me, John.Ballantyne@dot.gov, Sean, Dasha, Jonathan, Richard, Jill, Kelly, stan.williams, Lauren, Andres, Eric, Nick, Jahan, Mikael, Justin, Melanie Good Afternoon Jill, EPA does not have any comments on the Draft conformity determination report.

Thank you.

Dianna B. Myers

US Environmental Protection Agency

**Vail, Nick (FHWA)**

**Apr 25, 2023, 7:57 AM (1 day ago)**

to Dianna, anna.bowman@ky.gov, John, Sarah, Sean, Dasha, Jonathan, Richard, Jill, Kelly, marc.corrigan@tn.gov, stan.williams, Lauren, Andres, Eric, Jahan, Mikael, Justin, Melanie, me Jill,

FHWA-KY does not have any comments beyond what Melanie already mentioned.

Appreciate it.

Nick Vail (he/him), FHWA-KY

**Korostina, Dasha (KYTC)**

**1:30 PM (15 minutes ago)**

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

Kentucky Transportation Cabinet have looked over the document and only one other comment has been made that was not addressed in the previous emails.

On page 6, last bullet point has a typo where the space between two words is missing. "thosetargets". If it has been addressed already, please ignore it and Kentucky Transportation Cabinet does not have any other additional comments.

Thank you,

Dasha Korostina



# **APPENDIX C**

## **PUBLIC NOTICES & COMMENTS RECEIVED**

**INCLUDES THE PUBLIC COMMENT PERIOD  
FROM July 10, 2023 AND ENDED ON August 9, 2023**

### **Notice of Public Meeting**

The Clarksville Urbanized Area Metropolitan Planning Organization (CUAMPO) Executive Board will be meeting on Thursday, August 10, 2023 beginning at 11:00 a.m. Said meeting will be an in-person meeting at the RPC in the lower conference room, open to all with an on-line/virtual meeting option at the MPO website: [www.cuampo.com](http://www.cuampo.com). The link to join the meeting will be on the MPO website's home page. The Executive Board must attend the meeting in person to vote. Business includes: the review and adoption of Resolution 2023-05 for the FY2024-FY2025 UPWP; Resolution 2023-06 for the updated Conformity Determination Report for the 2045 MTP; Resolution 2023-07 to amend the 2045 MTP to add a new KYTC project ID#111, I-24/KY-115 interchange and associated short conformity determination report; Resolution 2023-08 to amend the FY2023-FY2026 TIP for TIP project #16, I-24/KY-115 interchange and associated short conformity determination report; Resolution 2023-09 to amend the FY2023-FY2026 TIP for TIP project #50, Wilma Rudolph Blvd Adaptive Signal System (ITS) to add Carbon Reduction Program (CRP) funds; Resolution 2023-10 to add TN Modernization Act (TMA) funds to the FY2023-FY2026 TIP; discuss US Census boundary smoothing with the MPO's MPA; discuss adding Highway Department Superintendent to the MPO's Executive Board.

Said documents are available for public review during normal business hours at the MPO and available online at [www.cuampo.com](http://www.cuampo.com). The discussion of air quality, project updates and other routine business may be conducted. Anyone having questions or comments concerning these items should contact Stan Williams or Jill Hall at 931-645-7448 or email [stan.williams@cityofclarksville.com](mailto:stan.williams@cityofclarksville.com) [jill.hall@cityofclarksville.com](mailto:jill.hall@cityofclarksville.com) and/or attend this meeting. In accordance with the "Americans with Disabilities Act", if you have a disability, for which the MPO needs to provide accommodations, please notify us of your requirements by August 4, 2023. This request does not have to be in writing. It is the policy of the MPO to ensure compliance with Title VI of the Civil Rights Act of 1964; 49 CFP part 26; No person shall be excluded from participation in or be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal funds on the grounds of Race, Color, Sex or National Origin

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



Subpart PP—South Carolina

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

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

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

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).<sup>1</sup> EPA set the

<sup>1</sup> 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.<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).

EPA 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. 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 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 15, 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 Paisie, OAQPS, October 5, 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 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](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 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.<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

<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

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>

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 Joseph Paisie, OAQPS, October 6, 1995; and "Limited Maintenance Plan Option for Moderate PM<sub>10</sub> Nonattainment Areas," from Lydia Wegman, OAQPS, August 9, 2001.

<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)

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

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).



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

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

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

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

## II. Final Action

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

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

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

## III. Statutory and Executive Order Reviews

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

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

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

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

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

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

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

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

**List of Subjects in 40 CFR Part 52**

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

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

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

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

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

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

**Subpart S—Kentucky**

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

**§ 52.920 Identification of plan.**

\* \* \* \* \*

(e) \* \* \*

**EPA-APPROVED KENTUCKY NON-REGULATORY PROVISIONS**

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

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

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

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

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

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

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

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

**DATES:** This rule will be effective on October 31, 2022.

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

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

**FOR FURTHER INFORMATION CONTACT:** Nicole Law, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947-4126 or by email at [law.nicole@epa.gov](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.donique@epa.gov](mailto: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](mailto:SchwenkMueller.Sina@epa.gov).

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

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- II. Public Comments and EPA Responses
- III. EPA Action

# APPENDIX E

## Fiscal Constraint for 2045 MTP

### Project Staging Phases and Applying Fiscal Constraint

The staged improvement program is a long-range plan for transportation improvements in the Clarksville MPA. The plan covers the 27-year period from 2016 to 2045. Note that the tables and references for the Staged Improvement Program show Stage I beginning in 2018 as the years 2016 and 2017 have already passed.

#### Recommended improvements are distributed among three stages:

- Stage I covers the short-term period from 2018 through 2026;
- Stage II corresponds to the intermediate period from 2027 through 2036; and
- Stage III is the long-range period from 2037 through 2045.

#### The assignment of a given project to a particular stage was largely determined by:

- The prioritization of projects discussed in Chapter 10
- Estimated funding available for each stage of the plan
- Project cost
- Other mobility-related considerations (such as safety, emergency evacuation, access to developable areas, etc.)

Table 11.1 summarizes the total costs of the projects selected to be funded in the 2045 MTP, including Line Item funding. Line item funding includes operations, maintenance, and funding for non-capacity improvements. Data from the MPO's partners and public outreach survey were used to develop a 2017 average annual cost for line item funding and is shown in Appendix F. The forecast development for these funding categories is also shown in Appendix F. The total cost of transit, pedestrian, intersection, and bikeway projects selected from those in Chapter 10 for funding through the MTP cannot exceed the funding from the Line Item categories in the Staged Improvement Program. The table also displays all forecast state and federal revenues, (with local match funding) anticipated to be available for implementing transportation projects through 2045. The anticipated state and federal roadway funding, with local match funding, for the plan period (2018–2045), was calculated to be \$2.37 billion. **The estimated total cost of improvements, as identified in the staged improvement program, is \$2.37 billion.**

**This falls within acceptable programming limits of available funding. Therefore, the 2045 MTP is fiscally-constrained.**

# Clarksville Urbanized Area

**Table 11.1 Fiscal Constraint for Roadway Projects**

	Stage I 2018-2026	Stage II 2027-2036	Stage III 2037-2045	Total 2016 - 2045
Estimated Funding Availability**	\$718,669,550	\$746,615,925	\$904,749,962	\$2,370,035,437
Estimated Fiscally-Constrained MTP Project Costs	\$759,873,000	\$720,360,000	\$891,665,000	\$2,371,898,000
			Vision Needs*	\$444,051,000
			Total Needs Plan	\$2,815,949,000

\*Vision Needs describe additional projects that cannot be funded in the fiscally-constrained staged improvement program. These projects and their costs can be found on Page 11-16 and Table 11.8

\*\* Estimated Funding Availability also includes transit funding and Improve Act funding (IA-\$223,100,000).

Note: Annual Inflation Factors – 3.0% in the State of Tennessee, 4.0% in the State of Kentucky

**Table 11.2 Fiscal Constraint for Public Transit Operations**

	Stage I 2018-2026	Stage II 2027 - 2036	Stage III 2037 - 2045	Total 2016 - 2045
Estimated Funding Available	\$61,784,942	\$90,969,074	\$108,340,270	\$261,094,286

## Staged Improvement Plan and Conformity

Since the CUAMPO must conduct conformity analysis for its MPA, projects identified in the MTP must be identified as being Exempt, Non-Exempt, or Regionally Significant. Projects that are exempt are not subject to the transportation conformity rule. Projects that are non-exempt must be shown in the region’s conformity analysis. Projects that are regionally significant are non-exempt projects that are on roadways that serve regional needs, such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals.

The tables for each stage of the Staged Improvement Program display the conformity status of each project. The transit projects identified in Chapter 10 were determined to be exempt from conformity analysis.

# Clarksville Urbanized Area

## Project Costs and Line Items

The initial project costs developed in Chapter 10 were in 2017 dollars. Due to inflation, these projects costs will increase over time and it was necessary to adjust the costs based on the stage in which a project is programmed to be built. This was accomplished by multiplying the 2017 cost by a factor that is based upon the state inflation rates and mid-point of the stage time period. These calculations are shown in Appendix F.

Line item funding covers a variety of transportation projects that provide non-capacity improvements or maintenance needs. These line items include enhancements, safety, bridges, overlays, and maintenance.

- Enhancement projects include bicycle/pedestrian facilities, multi-use trails, lighting, and landscaping.
- Safety projects include turn lanes, roundabouts, traffic signals, guard rails, and signage.
- Bridge projects include bridge replacements and new bridges.
- Overlay projects are those that resurface a roadway with asphalt.
- Maintenance projects include pothole repairs, surface sealant, guard rail repair, sign replacements, debris removal, and roadway sweeping.

The development of the line items funding breakdowns is discussed in Appendix F.

# Clarksville Urbanized Area

## Stage I (2018-2026) Projects

Stage I is planned for improvements in the years 2018 to 2026. A list of these projects is shown in Table 11.3. These planned improvements are projected to cost \$759.8 million and will be funded with local, state, and federal funds. Project improvements consist of roadway widening, new roadway construction, and reconstruction.

**Table 11.3 2045 MTP Staged Improvement Program - Stage I (2018-2026)**

ID	Mode	Route	Location	Project Description	Project Cost (\$000)	Conformity Status
1	Roadway	SR-374 Ext	Dotsonville Rd to US 79/SR 6 (Dover Rd)	New 4 Lane Roadway	\$45,400	Non-Exempt
2	Roadway	SR-374 Ext/SR-149	Dotsonville Rd to SR-149; SR-374 to River Rd	New 4 Lane Roadway & Bridge, Widen to 5 Lanes	\$120,375	Non-Exempt
3	Roadway	SR-237 (Rossvie Rd) & Dunbar Cave Rd	I-24 to 400 ft west of Keysburg Rd	Widen from 2 to 3/5 Lanes & Realignment	\$13,300	Non-Exempt
4	Roadway	KY-911 (Thompsonville Rd)	US 41A to KY-115 (Pembroke Rd)	Widen from 2 to 3 Lanes	\$14,810	Non-Exempt
7	Roadway	SR-48 (Trenton Rd)	SR-374 to I-24	Widen from 2 to 5 Lanes	\$40,000	Non-Exempt
101*	Roadway	US 79/SR-13 (Guthrie Hwy)	Cracker Barrel Dr to International Blvd	Widen from 2/3 to 5 Lanes	Under Const	Non-Exempt
102*	Roadway	SR-149/SR-13	River Rd to SR-13; SR-149 to Zinc Plant Rd	Widen from 2/3 to 5 Lanes	Under Const	Non-Exempt
103*	Roadway	SR-374 (Warfield Blvd)	Dunbar Cave Rd to Stokes Rd	Widen from 2 to 5 Lanes	Under Const	Non-Exempt
104	Roadway	North-East Connector Phase 1	Ted Crozier Blvd to Wilma Rudolf Blvd to Trenton Rd	New 4/5 Lane Roadway	\$39,522	Non-Exempt
106	Roadway	Lafayette Rd	Walnut Grove Rd through Ft Campbell Gate	Widen from 2 to 5 Lanes	\$2,438	Non-Exempt

107*	Roadway	SR-48 (Trenton Rd)	Needmore Rd	Intersection Improvement	Completed	Exempt
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# Clarksville Urbanized Area

continued

**Table 11.3 2045 MTP Staged Improvement Program - Stage I (2018-2026)**

ID	Mode	Route	Location	Project Description	Project Cost	Conformity Status
108	Roadway	KY-400 (State Line Rd)	US 41A (Ft Campbell Blvd) to KY-115 (Pembroke-Oak)	Reconstruct with CTL	\$5,486	Non-Exempt
109	Roadway	KY-115 (Pembroke- Oak)	KY-400 (State Line Rd)	Reconstruct with CTL	\$11,364	Non-Exempt
110	Roadway	KY-115 (Pembroke)	I-24 to KY-1453 (Barker's Mill Rd)	Reconstruct with CTL	\$7,446	Non-Exempt
301	Roadway	I-24	KY/TN State line to near SR-76	Widening 4 to 6 lanes	\$223,100	Non-Exempt
Line Item	Roadway	Various	Various	Enhancement	\$3,497	Exempt
Line Item	Roadway	Various	Various	Safety	\$17,485	Exempt
Line Item	Roadway	Various	Various	Bridge	\$48,083	Exempt
Line Item	Roadway	Various	Various	Overlay	\$34,969	Exempt
Line Item	Roadway	Various	Various	Maintenance	\$5,245	Exempt
Line Item	Roadway	Various	Various	Reconstruction	\$65,568	Exempt
Line Item	Transit	--	--	CTS Funding	\$61,785	Exempt
<b>Total Stage I</b>					<b>\$759,873</b>	

\* Project received funding, or was completed, after the identification of the E+C projects and before the development of the Staged Improvement Program. These projects are not subject to fiscal constraint.



# Clarksville Urbanized Area

## Stage II (2027-2036) Projects

Stage II is planned for improvements in the years 2027 to 2036. A list of these projects is shown in Table 11.4. These planned improvements are projected to cost \$720.4 million and represent improvements consisting of roadway widening, new roadway construction, reconstruction, and center turn lane addition.

**Table 11.4 2045 MTP Staged Improvement Program - Stage II (2027-2036)**

ID	Mode	Route	Location	Project Description	Project Cost (\$000)	Conformity Status
201	Roadway	SR-374 (Warfield Blvd)	Memorial Dr to Dunbar Cave Rd	Widen from 2 to 4 Lanes	\$22,629	Non-Exempt
203	Roadway	North-East Connector Phase 2	SR-48 (Trenton Rd) to Peachers Mill Rd	New 4 Lane Roadway	\$76,673	Non-Exempt
204	Roadway	Peachers Mill Rd	Pine Mountain Rd to Stonecrossing Dr	Widen from 3 to 4 Lanes	\$4,310	Non-Exempt
207	Roadway	KY-117	US 41A (Ft Campbell Blvd) to KY-115 (Pembroke-Oak Grove Rd)	New 5 Lane Roadway	\$71,523	Non-Exempt
209	Roadway	KY-109 (Bradshaw Rd)	KY-1453 (Elmo Rd) to Bradshaw-Fidelio Rd	Reconstruct with CTL	\$5,687	Non-Exempt
304	Roadway	SR-48 (Trenton Rd)	SR-13/US79 (Wilma Rudolph Blvd) to SR-374	Widen from 2 to 5 Lanes	\$10,776	Non-Exempt
401	Roadway	New Roadway	Fair Brook Place to Needmore Rd	New 3 Lane Roadway	\$11,190	Non-Exempt
402	Roadway	Professional Park Dr Ext	Extension to Cardinal Ln	New 2 Lane Roadway	\$9,325	Non-Exempt
403	Roadway	International Blvd Ext	SR-237 (Rossvie Rd) to SR-76 to Trough Springs Rd	New 2 Lane Roadway	\$34,503	Non-Exempt
405	Roadway	SR-374 (Richview Rd) Ext	SR-12 (Madison St) to US 41A Bypass	New 4 Lane Roadway	\$20,723	Non-Exempt
406	Roadway	Kennedy Ln Ext	Extension to Meriwether Rd	New 2 Lane Roadway	\$8,393	Non-Exempt

# Clarksville Urbanized Area

continued

**Table 11.4 2045 MTP Staged Improvement Program - Stage II (2027-2036)**

ID	Mode	Route	Location	Project Description	Project Cost (\$000)	Conformity Status
409	Roadway	8th St connector	Needmore Rd to Peterson Ln	New 2 Lane Roadway	\$17,718	Non-Exempt
411	Roadway	SR-374 (Richview Rd)	Memorial Dr to US 41A (Madison St)	Widen from 3 to 5 Lanes	\$8,621	Non-Exempt
504	Roadway	SR 13/48	River Road to Old Highway 48	Center Turn Lane	\$6,426	Non-Exempt
508	Roadway	I-24	@ Exit 8 EB Off Ramp	Widen to 2 Lanes	\$9,106	Non-Exempt
514	Roadway	Tylertown Road	Trenton Rd to Oakland Rd	Widen to 4 Lanes	\$18,319	Non-Exempt
517	Roadway	SR-237 (Rossvie Rd)	East of International Blvd to east of Kirkwood Rd	Widen from 2 to 5 Lanes with sidewalks	\$31,210	Non-Exempt
Line Item	Roadway	Various	Various	Enhancement	\$5,245	Exempt
Line Item	Roadway	Various	Various	Safety	\$26,226	Exempt
Line Item	Roadway	Various	Various	Bridge	\$72,121	Exempt
Line Item	Roadway	Various	Various	Overlay	\$52,452	Exempt
Line Item	Roadway	Various	Various	Maintenance	\$7,868	Exempt
Line Item	Roadway	Various	Various	Reconstruction	\$98,347	Exempt
Line Item	Transit	--	--	CTS Funding	\$90,969	Exempt
<b>Total Stage II</b>					<b>\$720,350</b>	

# Clarksville Urbanized Area

Stage III is planned for improvements in the years 2037 to 2045. A list of the projects is shown in Table 11.5. These planned improvements are projected to cost \$891.7 million and represent improvements consisting of roadway widening, new roadway construction, and reconstruction.

**Table 11.5 2045 MTP Staged Improvement Program - Stage III (2037-2045)**

ID	Mode	Route	Location	Project Description	Project Cost (\$)	Conformity Status
105	Roadway	Jack Miller Blvd Ext	Tobacco Rd to Peachers Mill Rd	New 4 Lane Roadway	\$54,891	Non-Exempt
111	Roadway	Oatts-Riggins Rd	KY-400 (State Line Rd) to KY-911 (Thompsonville Ln)	New 3 Lane Roadway	\$23,355	Non-Exempt
112	Roadway	KY-1453 (Elmo Rd)	US 41A (Ft Campbell Blvd) to KY-115 (Pembroke-Oak Grove Rd)	Reconstruct with CTL	\$33,837	Non-Exempt
202	Roadway	US 41A Bypass (Ashland City Rd)	US 41A/SR-112 to SR-13	Widen from 2/3 to 5 Lanes	\$78,494	Non-Exempt
205	Roadway	Hugh Hunter/ Gritton Church Rd	KY-911 (Thompsonville Ln) to Allen Rd	Reconstruction	\$10,920	Exempt
208	Roadway	Ft Campbell Gate 5 Ext	US 41A (Ft Campbell Blvd) to KY-115 (Pembroke-Oak Grove Rd)	New 2 Lane Roadway	\$23,355	Non-Exempt
303	Roadway	Needmore Rd	Hazelwood Rd to SR-236 (Tiny Town Rd)	Reconstruct with CTL	\$5,892	Non-Exempt
305	Roadway	Whitfield Rd/ Old Trenton Rd	Needmore Rd to SR-374	Reconstruct with CTL	\$1,309	Non-Exempt
404	Roadway	Dixie Bee Rd Ext	Sango Rd to US 41A	New 2 Lane Roadway	\$8,645	Non-Exempt
407	Roadway	SR-236 (Tiny Town Rd) Ext	Extension to Meriwether Rd	New 2 Lane Roadway	\$8,645	Non-Exempt
408	Roadway	New Roadway	9th St to 10th St	New 2 Lane Roadway	\$1,235	Non-Exempt
412	Roadway	Hazelwood Rd	Trenton Rd to Needmore	Widen from 2 to 5 Lanes	\$28,543	Non-Exempt
502	Roadway	Cumberland Dr	Ashland City Rd (SR 12) to Madison St (SR 76)	Widen to 4 Lanes	\$25,689	Non-Exempt
503	Roadway	Dunbar Cave Road	Wilma Rudolph Blvd (US 79/SR 13) to Rossvie Rd (SR 237)	Widen to 4 Lanes	\$57,087	Non-Exempt

continued

**Table 11.5 2045 MTP Staged Improvement Program - Stage III (2037-2045)**

ID	Mode	Route	Location	Project Description	Project Cost (\$)	Conformity Status
507	Roadway	I-24	@ Dixie Bee Road	New interchange	\$68,614	Non-Exempt
510	Roadway	Needmore Road	Wilma Rudolph Blvd to Trenton Road	Widen to 4 Lanes	\$12,844	Non-Exempt
512	Roadway	Rossvie Road	SR 374 to Dunbar Cave Rd	Widen to 5 Lanes	\$21,407	Non-Exempt
Line Item	Roadway	Various	Various	Enhancement	\$6,371	Exempt
Line Item	Roadway	Various	Various	Safety	\$31,856	Exempt
Line Item	Roadway	Various	Various	Bridge	\$87,605	Exempt
Line Item	Roadway	Various	Various	Overlay	\$63,713	Exempt
Line Item	Roadway	Various	Various	Maintenance	\$9,557	Exempt
Line Item	Roadway	Various	Various	Reconstruction	\$119,461	Exempt
Line Item	Transit	--	--	CTS Funding	\$108,340	Exempt
<b>Total Stage III</b>					<b>\$891,665</b>	

**RESOLUTION 2023-07**  
**APPROVING AN AMENDMENT TO THE 2045 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 17, 2019 the MPO adopted the 2045 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 KYTC to add a new 2045 MTP Project ID #111, I-24/KY-115 Interchange (Exit 89). This project 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. Changes were made to the following Tables in the 2045 MTP: Table 11.1 page 11/3 showing fiscal constraint, Table 11.3 Stage I (2018-2026), page 11/6, Table 11.9 Level of Concern page 11/19, and Table 11.10 Projects with Freight Benefits page 11/25;

**WHEREAS**, members of the Interagency Consultation agreed that this amendment is non-exempt from air quality conformity and required the associated CDR be provided for the 2045 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 July 10, 2023 to August 9, 2023. 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 4 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 approve Amendment 4 of the 2045 MTP and the associated CDR of the Clarksville Urbanized Area.

**Resolution Approved:** August 10, 2023

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Mayor Joe Pitts, Chairman  
Clarksville Urbanized Area MPO

# Clarksville Urbanized Area

**Table 11.1 Fiscal Constraint for Roadway Projects**

	Stage I 2018-2026	Stage II 2027 -	Stage III 2037 - 2045	Total 2016 - 2045
Estimated Funding Availability**	\$741,169,550	\$746,615,925	\$904,749,962	\$2,392,535,437
Estimated Fiscally-Constrained MTP Project Costs	\$782,373,000	\$720,360,000	\$891,665,000	\$2,394,398,000
			Vision Needs*	\$444,051,000
			Total Needs Plan	\$ 2,838,449,000

\*Vision Needs describe additional projects that cannot be funded in the fiscally-constrained staged improvement program. These projects and their costs can be found on Page 11-16 and Table 11.8

\*\* Estimated Funding Availability also includes transit funding and Improve Act funding (IA-\$223,100,000).

Note: Annual Inflation Factors – 3.0% in the State of Tennessee, 4.0% in the State of Kentucky

**Table 11.2 Fiscal Constraint for Public Transit Operations**

	Stage I 2018-2026	Stage II 2027 - 2036	Stage III 2037 - 2045	Total 2016 - 2045
Estimated Funding Available	\$61,784,942	\$90,969,074	\$108,340,270	\$261,094,286

## Staged Improvement Plan and Conformity

Since the CUAMPO must conduct conformity analysis for its MPA, projects identified in the MTP must be identified as being Exempt, Non-Exempt, or Regionally Significant. Projects that are exempt are not subject to the transportation conformity rule. Projects that are non-exempt must be shown in the region's conformity analysis. Projects that are regionally significant are non-exempt projects that are on roadways that serve regional needs, such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals.

The tables for each stage of the Staged Improvement Program display the conformity status of each project. The transit projects identified in Chapter 10 were determined to be exempt from conformity analysis.

# Clarksville Urbanized Area

continued Table 11.3 2045 MTP Staged Improvement Program - Stage I (2018-2026)

ID	Mode	Rou	Location	Project Description	Project Cost	Conformity Status
108	Roadway	KY-400 (State Line Rd)	US 41A (Ft Campbell Blvd) to KY-115 (Pembroke-Oak	Reconstruct with CTL	\$5,486	Non-Exempt
109	Roadway	KY-115 (Pembroke- Oak	KY-400 (State Line Rd)	Reconstruct with CTL	\$11,364	Non-Exempt
110	Roadway	KY-115 (Pembroke)	I-24 to KY-1453 (Barker's Mill Rd)	Reconstruct with CTL	\$7,446	Non-Exempt
111	Roadway	I-24/ KY-115	I-24/ KY-115 interchange	Reconstruct with CTL and ramps	22,500	Non-Exempt
301	Roadway	I-24	KY/TN State line to near SR-76	Widening 4 to 6 lanes	\$223,100	Non-Exempt
Line Item	Roadway	Various	Various	Enhancement	\$3,497	Exempt
Line Item	Roadway	Various	Various	Safety	\$17,485	Exempt
Line Item	Roadway	Various	Various	Bridge	\$48,083	Exempt
Line Item	Roadway	Various	Various	Overlay	\$34,969	Exempt
Line Item	Roadway	Various	Various	Maintenance	\$5,245	Exempt
Line Item	Roadway	Various	Various	Reconstruction	\$65,568	Exempt
Line Item	Transit	--	--	CTS Funding	\$61,785	Exempt
<b>Total Stage I</b>					<b>\$782,373</b>	

\* Project received funding, or was completed, after the identification of the E+C projects and before the development of the Staged Improvement Program. These projects are not subject to fiscal constraint.

# Clarksville Urbanized Area

Table 11.9 Level of Concern for Staged Improvement Program

ID	Sta	Route	Location	Improvement	Level of Concern
1	Stage I	SR-374 Ext	Dotsonville Rd to US 79/SR 6 (Dover Rd)	New 2 Lane Roadway	Low
2	Stage I	SR-374 Ext/SR-149	Dotsonville Rd to SR-149; SR-374 to River Rd	New 2 Lane Roadway & Bridge	Low
3	Stage I	SR-237 (Rossvie Rd) & Dunbar Cave Rd	I-24 to 400 ft. west of Keysburg Rd	Widen from 2 to 3/5 Lanes & Realignment	Low
4	Stage I	KY-911 (Thompsonville Rd)	US 41A to KY-115 (Pembroke Rd)	Widen from 2 to 3 Lanes	Low
7	Stage I	SR-48 (Trenton Rd)	SR-374 to I-24	Widen from 2 to 5	Low
101	Stage I	US 79/SR-13 (Guthrie Hwy)	Cracker Barrel Dr to International Blvd	Widen from 2/3 to 5 Lanes	Low
102	Stage I	SR-149/SR-13	River Rd to SR-13; SR-149 to Zinc Plant Rd	Widen from 2/3 to 5 Lanes	Low
103	Stage I	SR-374(North Pkwy)	Dunbar Cave Rd to Stokes Rd	Widen from 2 to 5	Low
104	Stage I	North-East Connector Ph 1	Ted Crozier Blvd to Wilma Rudolph Blvd to Trenton Rd	New 4/5 Lane Roadway	Low
106	Stage I	Lafayette Rd	Walnut Grove Rd through Ft Campbell Gate	Widen from 2 to 5 Lanes	Low
107	Stage I	SR-48 (Trenton Rd)	Needmore Rd	Intersection Improvement	Low
108	Stage I	KY-400 (State Line Rd)	US 41A (Ft Campbell Blvd) to KY-115 (Pembroke-Oak Grove Rd)	Reconstruct with CTL	Low
109	Stage I	KY-115 (Pembroke-Oak Grove Rd)	KY-400 (State Line Rd) to I-24	Reconstruct with CTL	Low
110	Stage I	KY-115 (Pembroke)	I-24 to KY-1453 (Barker's Mill Rd)	Reconstruct with CTL	Low
111	Stage I	I-24/ KY-115	I-24/ KY-115 interchange	Reconstruct with CTL and ramps	Low
301	Stage I	I-24	KY/TN State line to near SR76	Widening 4 to 6 lanes	Low

Source: NSI, CUAMPO



# Clarksville Urbanized Area

Table 11.10 2045 MTP Roadway Projects with Freight Benefits

ID	Stage	Route	Location	Improvement
1	Stage I	SR-374 Ext	Dotsonville Rd to US 79/SR 6 (Dover Rd)	New 4 Lane Roadway
2	Stage I	SR-374 Ext/SR-149	Dotsonville Rd to SR-149; SR-374 to River Rd	New 4 Lane Roadway & Bridge, Widen from 2 to 5 Lanes
3	Stage I	SR-237 (Rossvie Rd) & Dunbar Cave Rd	I-24 to 400 ft. west of Keysburg Rd	Widen from 2 to 3/5 Lanes & Realignment
4	Stage I	KY-911 (Thompsonville Rd)	US 41A to KY-115 (Pembroke Rd)	Widen from 2 to 3 Lanes
7	Stage I	SR-48 (Trenton Rd)	SR-374 to I-24	Widen from 2 to 5 Lanes
101	Stage I	US 79/SR-13 (Guthrie Hwy)	Cracker Barrel Dr to International Blvd	Widen from 2/3 to 5 Lanes
102	Stage I	SR-149/SR-13	River Rd to SR-13; SR-149 to Zinc Plant Rd	Widen from 2/3 to 5 Lanes
103	Stage I	SR-374 (Warfield Blvd)	Dunbar Cave Rd to Stokes Rd	Widen from 2 to 5 Lanes
104	Stage I	North-East Connector Ph 1	Ted Crozier Blvd to Wilma Rudolph Blvd to Trenton Rd	New 4/5 Lane Roadway
106	Stage I	Lafayette Rd	Walnut Grove Rd through Ft Campbell Gate	Widen from 2 to 5 Lanes
107	Stage I	SR-48 (Trenton Rd)	Needmore Rd	Intersection Improvement
109	Stage I	KY-115 (Pembroke-Oak Grove Rd)	KY-400 (State Line Rd) to I-24	Reconstruct with CTL
111	Stage I	I-24/ KY-115	I-24/ KY-115 interchange	Reconstruct with CTL and ramps
301	Stage I	I-24	KY/TN State line to near SR76	Widening 4 to 6 lanes
105	Stage II	Jack Miller Blvd Ext	Tobacco Rd to Peachers Mill Rd	New 4 Lane Roadway
201	Stage II	SR-374 (Warfield Blvd)	Memorial Dr to Dunbar Cave Rd	Widen from 2 to 4 Lanes
203	Stage II	North-East Connector Ph 2	SR-48 (Trenton Rd) to Peachers Mill Rd	New 4 Lane Roadway

Source: NSI, CUAMPO

## **RESOLUTION 2023-08**

### **APPROVING AMENDMENT KYTC#1 FOR THE FY2023-FY2026 TRANSPORTATION IMPROVEMENT PROGRAM 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 to add new TIP project# 16, I-24/KY-115 Interchange (Exit 89). This project 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 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 30 - day public review period began on July 10, 2023 and ended August 9, 2023. 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 KYTC#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 approve Amendment KYTC#1 of the FY2023-FY2026 TIP and the associated CDR of the Clarksville Urbanized Area.

**Resolution Approved:** August 10, 2023

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Mayor Joe Pitts, Chairman  
Clarksville Urbanized Area MPO

New Amd KYTC#1

eSTIP Project Report



**ID** 16      **PIN #**      **Length in Miles** 1.30      **Lead Agency** KYTC

**County:**  
Christian

**Route** I-24      **Total Project Cost** \$22,500,000.00

**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 #** Table 11.3 pg. 11/6      **Conformity Status** Non-Exempt

FY	Phase	Fund Code	Total Funds	Federal Funds	State Funds	Local Funds
2023	PE-D	SPP	\$600,000	\$0	\$600,000	\$0
<b>Total</b>			<b>\$600,000</b>	<b>\$0</b>	<b>\$600,000</b>	<b>\$0</b>



*New  
Amd KYTC#1*



**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
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	\$2,660,000	\$0	\$2,660,000	\$0	\$0	\$0
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	\$28,287,728	\$27,741,760	\$22,630,105	\$0	\$5,657,623	\$20,430,105	\$545,968
STBG-L	2024	\$3,420,968	\$2,786,900	\$2,736,697	\$0	\$684,271	\$436,697	\$634,068
STBG-L	2025	\$3,659,068	\$3,000,000	\$2,907,177	\$0	\$751,891	\$507,177	\$659,068
STBG-L	2026	\$3,809,068	\$0	\$3,007,177	\$0	\$801,891	\$507,177	\$3,809,068
STBG-S	2023	\$4,326,000	\$4,326,000	\$3,460,800	\$865,200	\$0	\$0	\$0
STBG-S	2024	\$22,035,250	\$22,035,250	\$17,628,200	\$4,407,050	\$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

Old  
Amok KYTC  
#1



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
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	\$2,060,000	\$2,060,000	\$0	\$2,060,000	\$0	\$0	\$0
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	\$28,287,728	\$27,741,760	\$22,630,105	\$0	\$5,657,623	\$20,430,105	\$545,968
STBG-L	2024	\$3,420,968	\$2,786,900	\$2,736,697	\$0	\$684,271	\$436,697	\$634,068
STBG-L	2025	\$3,659,068	\$3,000,000	\$2,907,177	\$0	\$751,891	\$507,177	\$659,068
STBG-L	2026	\$3,809,068	\$0	\$3,007,177	\$0	\$801,891	\$507,177	\$3,809,068
STBG-S	2023	\$4,326,000	\$4,326,000	\$3,460,800	\$865,200	\$0	\$0	\$0
STBG-S	2024	\$22,035,250	\$22,035,250	\$17,628,200	\$4,407,050	\$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

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

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

Associated with the:

Amendment 4 KY - For 2045 Metropolitan Transportation Plan

and the

Amendment KYTC#1 - FY2023-2026 Transportation Improvement  
Program

**March 23, 2023**

**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 4-KYTC amends the Clarksville Metropolitan Planning Organization's (MPO's) 2045 Metropolitan Transportation Plan (MTP), to add a new project. Project ID #111, 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 by reconstructing ramps and adding a center lane to KY-115 interchange portion in Christian County, KY (2022BOP). The total cost estimate is \$22,500,000.

Amendment KYTC#1 amends the Clarksville MPO's FY2023 - FY2026 Transportation Improvement Program (TIP), to add a new project 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 by reconstructing ramps and adding a center lane to KY-115 interchange portion in Christian County, KY (2022BOP). The total cost estimate is \$22,500,000.

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)(I)). 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 both the FY 2020-23 TIP and the 2045 MTP to address the 1997 ozone NAAQS, and is consistent with CAA requirements, existing associated regulations at 40 CFR Parts 51.390 and 93, and EPA's *Transportation Conformity Guidance for the South Coast II Court Decision* issued on November 29, 2018.



## **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.

## **2045 METROPOLITAN TRANSPORTATION PLAN (MTP)**

The updated 2045 MTP is the long-range transportation plan for the Clarksville MPA and replaces the 2040 MTP. The 2045 MTP and the associated CDR for KY and TN were adopted on January 17, 2019. A performance-based approach to metropolitan transportation planning was utilized in the development of 2045 MTP, which sets a regional vision and course of action for addressing the transportation needs of the Clarksville MPA over the next twenty-seven years. The 2045 MTP Amendment 4 for adoption by the MPO Executive Board is in Appendix A.

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

The amended FY2023-FY2026 (October 1, 2022 through September 30, 2026) TIP is a subset of the 2045 MTP. All of the projects in the FY2023-FY2026 TIP are in the 2045 MTP. The FY2023-FY2026 TIP is under FYWA/FTA review for approval as part of the Tennessee Department of Transportation (TDOT) Statewide Transportation Improvement Program (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 2045 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 KYTC#1 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<sup>1</sup> for certain transportation activities, including updated or amended MTPs and TIPs. US DOT made its 1997 ozone NAAQS conformity determination for the 2045 MTP on February 15, 2019 and is currently waiting for approval for the FY2023-FY2026 TIP from EPA/FHWA/FTA. Transportation conformity is required no less frequently than every four years. This short conformity determination report addresses transportation conformity requirements for Amendment 4 for the 2045 MTP and Amendment KYTC#1 to the FY2023- FY2026 TIP.

## **TRANSPORTATION CONFORMITY REQUIREMENTS**

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

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)

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<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>.

## **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 4 for the 2045 MTP and Amendment KYTC#1 for the FY2023-FY2026 TIP and this short CDR. The interagency consultation meeting minutes and comments are included in Appendix C. Interagency consultation was conducted consistent with the Tennessee Conformity SIP and the Kentucky Conformity SIP.

Public consultation was conducted consistent with planning rule requirements in 23 CFR 450. In addition, as per CUAMPO's Participation Plan (PP) meeting guidelines were followed. The PP is available on the web at [www.CUAMPO.com](http://www.CUAMPO.com). The 30 - day public comment period opened on July 9, 2023 and closed on August 9, 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 4 to the 2045 MTP and amendment KYTC#1 to the TIP is funded by federal and KYTC state funds with a total project cost estimate of \$22,500,000. In Appendix A and B, please find the amendments that show the project is fiscally constrained.

## **CONCLUSION**

This conformity demonstration for Amendment 4 for the 2045 MTP and Amendment KYTC#1 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 4, 2045 MTP  
Appendix B - Amendment KYTC#1, FY2023-FY2026 TIP  
Appendix C – IAC Comments / Meeting Minutes  
Appendix D – Federal Register – LMP Christian County, KY

**RESOLUTION 2023-07**  
**APPROVING AN AMENDMENT TO THE 2045 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 17, 2019 the MPO adopted the 2045 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 KYTC to add a new 2045 MTP Project ID #111, I-24/KY-115 Interchange (Exit 89). This project 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. Changes were made to the following Tables in the 2045 MTP: Table 11.1 page 11/3 showing fiscal constraint, Table 11.3 Stage I (2018-2026), page 11/6, Table 11.9 Level of Concern page 11/19, and Table 11.10 Projects with Freight Benefits page 11/25;

**WHEREAS**, members of the Interagency Consultation agreed that this amendment is non-exempt from air quality conformity and required the associated CDR be provided for the 2045 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 July 10, 2023 to August 9, 2023. 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 4 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 approve Amendment 4 of the 2045 MTP and the associated CDR of the Clarksville Urbanized Area.

**Resolution Approved:** August 10, 2023

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Mayor Joe Pitts, Chairman  
Clarksville Urbanized Area MPO

# Clarksville Urbanized Area

**Table 11.1 Fiscal Constraint for Roadway Projects**

	Stage I 2018-2026	Stage II 2027 -	Stage III 2037 - 2045	Total 2016 - 2045
Estimated Funding Availability**	\$741,169,550	\$746,615,925	\$904,749,962	\$2,392,535,437
Estimated Fiscally-Constrained MTP Project Costs	\$782,373,000	\$720,360,000	\$891,665,000	\$2,394,398,000
			Vision Needs*	\$444,051,000
			<b>Total Needs Plan</b>	<b>\$ 2,838,449,000</b>

\*Vision Needs describe additional projects that cannot be funded in the fiscally-constrained staged improvement program. These projects and their costs can be found on Page 11-16 and Table 11.8

\*\* Estimated Funding Availability also includes transit funding and Improve Act funding (IA-\$223,100,000).

Note: Annual Inflation Factors – 3.0% in the State of Tennessee, 4.0% in the State of Kentucky

**Table 11.2 Fiscal Constraint for Public Transit Operations**

	Stage I 2018-2026	Stage II 2027 - 2036	Stage III 2037 - 2045	Total 2016 - 2045
Estimated Funding Available	\$61,784,942	\$90,969,074	\$108,340,270	\$261,094,286

## Staged Improvement Plan and Conformity

Since the CUAMPO must conduct conformity analysis for its MPA, projects identified in the MTP must be identified as being Exempt, Non-Exempt, or Regionally Significant. Projects that are exempt are not subject to the transportation conformity rule. Projects that are non-exempt must be shown in the region's conformity analysis. Projects that are regionally significant are non-exempt projects that are on roadways that serve regional needs, such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals.

The tables for each stage of the Staged Improvement Program display the conformity status of each project. The transit projects identified in Chapter 10 were determined to be exempt from conformity analysis.

# Clarksville Urbanized Area

continued Table 11.3 2045 MTP Staged Improvement Program - Stage I (2018-2026)

ID	Mode	Route	Location	Project Description	Project Cost	Conformity Status
108	Roadway	KY-400 (State Line Rd)	US 41A (Ft Campbell Blvd) to KY-115 (Pembroke-Oak)	Reconstruct with CTL	\$5,486	Non-Exempt
109	Roadway	KY-115 (Pembroke-Oak)	KY-400 (State Line Rd)	Reconstruct with CTL	\$11,364	Non-Exempt
110	Roadway	KY-115 (Pembroke)	I-24 to KY-1453 (Barker's Mill Rd)	Reconstruct with CTL	\$7,446	Non-Exempt
111	Roadway	I-24/ KY-115	I-24/ KY-115 interchange	Reconstruct with CTL and ramps	22,500	Non-Exempt
301	Roadway	I-24	KY/TN State line to near SR-76	Widening 4 to 6 lanes	\$223,100	Non-Exempt
Line Item	Roadway	Various	Various	Enhancement	\$3,497	Exempt
Line Item	Roadway	Various	Various	Safety	\$17,485	Exempt
Line Item	Roadway	Various	Various	Bridge	\$48,083	Exempt
Line Item	Roadway	Various	Various	Overlay	\$34,969	Exempt
Line Item	Roadway	Various	Various	Maintenance	\$5,245	Exempt
Line Item	Roadway	Various	Various	Reconstruction	\$65,568	Exempt
Line Item	Transit	--	--	CTS Funding	\$61,785	Exempt
<b>Total Stage I</b>					<b>\$782,373</b>	

\* Project received funding, or was completed, after the identification of the E+C projects and before the development of the Staged Improvement Program. These projects are not subject to fiscal constraint.



# Clarksville Urbanized Area

Table 11.9 Level of Concern for Staged Improvement Program

ID	Sta	Route	Location	Improvement	Level of Concern
1	Stage I	SR-374 Ext	Dotsonville Rd to US 79/SR 6 (Dover Rd)	New 2 Lane Roadway	Low
2	Stage I	SR-374 Ext/SR-149	Dotsonville Rd to SR-149; SR-374 to River Rd	New 2 Lane Roadway & Bridge	Low
3	Stage I	SR-237 (Rossvie Rd) & Dunbar Cave Rd	I-24 to 400 ft. west of Keysburg Rd	Widen from 2 to 3/5 Lanes & Realignment	Low
4	Stage I	KY-911 (Thompsonville Rd)	US 41A to KY-115 (Pembroke Rd)	Widen from 2 to 3 Lanes	Low
7	Stage I	SR-48 (Trenton Rd)	SR-374 to I-24	Widen from 2 to 5 Lanes	Low
101	Stage I	US 79/SR-13 (Guthrie Hwy)	Cracker Barrel Dr to International Blvd	Widen from 2/3 to 5 Lanes	Low
102	Stage I	SR-149/SR-13	River Rd to SR-13; SR-149 to Zinc Plant Rd	Widen from 2/3 to 5 Lanes	Low
103	Stage I	SR-374(North Pkwy)	Dunbar Cave Rd to Stokes Rd	Widen from 2 to 5 Lanes	Low
104	Stage I	North-East Connector Ph 1	Ted Crozier Blvd to Wilma Rudolph Blvd to Trenton Rd	New 4/5 Lane Roadway	Low
106	Stage I	Lafayette Rd	Walnut Grove Rd through Ft Campbell Gate	Widen from 2 to 5 Lanes	Low
107	Stage I	SR-48 (Trenton Rd)	Needmore Rd	Intersection Improvement	Low
108	Stage I	KY-400 (State Line Rd)	US 41A (Ft Campbell Blvd) to KY-115 (Pembroke-Oak Grove Rd)	Reconstruct with CTL	Low
109	Stage I	KY-115 (Pembroke-Oak Grove Rd)	KY-400 (State Line Rd) to I-24	Reconstruct with CTL	Low
110	Stage I	KY-115 (Pembroke)	I-24 to KY-1453 (Barker's Mill Rd)	Reconstruct with CTL	Low
111	Stage I	I-24/ KY-115	I-24/ KY-115 interchange	Reconstruct with CTL and ramps	Low
301	Stage I	I-24	KY/TN State line to near SR76	Widening 4 to 6 lanes	Low

Source: NSI, CUAMPO

# Clarksville Urbanized Area

Table 11.10 2045 MTP Roadway Projects with Freight Benefits

ID	Stage	Route	Location	Improvement
1	Stage I	SR-374 Ext	Dotsonville Rd to US 79/SR 6 (Dover Rd)	New 4 Lane Roadway
2	Stage I	SR-374 Ext/SR-149	Dotsonville Rd to SR-149; SR-374 to River Rd	New 4 Lane Roadway & Bridge, Widen from 2 to 5
3	Stage I	SR-237 (Rossvie Rd) & Dunbar Cave Rd	I-24 to 400 ft. west of Keysburg Rd	Widen from 2 to 3/5 Lanes & Realignment
4	Stage I	KY-911 (Thompsonville Rd)	US 41A to KY-115 (Pembroke Rd)	Widen from 2 to 3 Lanes
7	Stage I	SR-48 (Trenton Rd)	SR-374 to I-24	Widen from 2 to 5 Lanes
101	Stage I	US 79/SR-13 (Guthrie Hwy)	Cracker Barrel Dr to International Blvd	Widen from 2/3 to 5 Lanes
102	Stage I	SR-149/SR-13	River Rd to SR-13; SR-149 to Zinc Plant Rd	Widen from 2/3 to 5 Lanes
103	Stage I	SR-374 (Warfield Blvd)	Dunbar Cave Rd to Stokes Rd	Widen from 2 to 5 Lanes
104	Stage I	North-East Connector Ph 1	Ted Crozier Blvd to Wilma Rudolph Blvd to Trenton Rd	New 4/5 Lane Roadway
106	Stage I	Lafayette Rd	Walnut Grove Rd through Ft Campbell Gate	Widen from 2 to 5 Lanes
107	Stage I	SR-48 (Trenton Rd)	Needmore Rd	Intersection Improvement
109	Stage I	KY-115 (Pembroke-Oak Grove Rd)	KY-400 (State Line Rd) to I-24	Reconstruct with CTL
111	Stage I	I-24/ KY-115	I-24/ KY-115 interchange	Reconstruct with CTL and ramps
301	Stage I	I-24	KY/TN State line to near SR76	Widening 4 to 6 lanes
105	Stage II	Jack Miller Blvd Ext	Tobacco Rd to Peachers Mill Rd	New 4 Lane Roadway
201	Stage II	SR-374 (Warfield Blvd)	Memorial Dr to Dunbar Cave Rd	Widen from 2 to 4 Lanes
203	Stage II	North-East Connector Ph 2	SR-48 (Trenton Rd) to Peachers Mill Rd	New 4 Lane Roadway

Source: NSI, CUAMPO

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# Clarksville Urbanized Area

**Table 11.1 Fiscal Constraint for Roadway Projects**

	Stage I 2018-2026	Stage II 2027 -	Stage III 2037 - 2045	Total 2016 - 2045
Estimated Funding Availability**	\$718,669,550	\$746,615,925	\$904,749,962	\$2,370,035,437
Estimated Fiscally-Constrained MTP Project Costs	\$759,873,000	\$720,360,000	\$891,665,000	\$2,371,898,000
			Vision Needs*	\$444,051,000
			Total Needs Plan	\$ 2,815,949,000

\*Vision Needs describe additional projects that cannot be funded in the fiscally-constrained staged improvement program. These projects and their costs can be found on Page 11-16 and Table 11.8

\*\* Estimated Funding Availability also Includes transit funding and Improve Act funding (IA-\$223,100,000).

Note: Annual Inflation Factors – 3.0% In the State of Tennessee, 4.0% In the State of Kentucky

**Table 11.2 Fiscal Constraint for Public Transit Operations**

	Stage I 2018-2026	Stage II 2027 - 2036	Stage III 2037 - 2045	Total 2016 - 2045
Estimated Funding Available	\$61,784,942	\$90,969,074	\$108,340,270	\$261,094,286

### Staged Improvement Plan and Conformity

Since the CUAMPO must conduct conformity analysis for its MPA, projects identified in the MTP must be identified as being Exempt, Non-Exempt, or Regionally Significant. Projects that are exempt are not subject to the transportation conformity rule. Projects that are non-exempt must be shown in the region’s conformity analysis. Projects that are regionally significant are non-exempt projects that are on roadways that serve regional needs, such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals.

The tables for each stage of the Staged Improvement Program display the conformity status of each project. The transit projects identified in Chapter 10 were determined to be exempt from conformity analysis.

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# Clarksville Urbanized Area

continued Table 11.3 2045 MTP Staged Improvement Program - Stage I (2018-2026)

ID	Mode	Rou	Location	Project Description	Project Cost	Conformity Status
108	Roadway	KY-400 (State Line Rd)	US 41A (Ft Campbell Blvd) to KY-115 (Pembroke-Oak Grove Rd)	Reconstruct with CTL	\$5,486	Non-Exempt
109	Roadway	KY-115 (Pembroke- Oak)	KY-400 (State Line Rd) to I-24	Reconstruct with CTL	\$11,364	Non-Exempt
110	Roadway	KY-115 (Pembroke)	I-24 to KY-1453 (Barker's Mill Rd)	Reconstruct with CTL	\$7,446	Non-Exempt
301	Roadway	I-24	KY/TN State line to near SR-76	Widening 4 to 6 lanes	\$223,100	Non-Exempt
Line Item	Roadway	Various	Various	Enhancement	\$3,497	Exempt
Line Item	Roadway	Various	Various	Safety	\$17,485	Exempt
Line Item	Roadway	Various	Various	Bridge	\$48,083	Exempt
Line Item	Roadway	Various	Various	Overlay	\$34,969	Exempt
Line Item	Roadway	Various	Various	Maintenance	\$5,245	Exempt
Line Item	Roadway	Various	Various	Reconstruction	\$65,568	Exempt
Line Item	Transit	--	--	CTS Funding	\$61,785	Exempt
<b>Total Stage I</b>					<b>\$759,873</b>	

\* Project received funding, or was completed, after the identification of the E+C projects and before the development of the Staged Improvement Program. These projects are not subject to fiscal constraint.

# 2045

## Clarksville Urbanized Area

CHAPTER 11

**TABLE 11.9 LEVEL OF CONCERN FOR STAGED IMPROVEMENT PROGRAM**

ID	STAGE	ROUTE	LOCATION	IMPROVEMENT	LEVEL OF CONCERN
1	Stage I	SR-374 Ext	Dotsonville Rd to US 79/SR 6 (Dover Rd)	New 2 Lane Roadway	Low
2	Stage I	SR-374 Ext/SR-149	Dotsonville Rd to SR-149; SR-374 to River Rd	New 2 Lane Roadway & Bridge	Low
3	Stage I	SR-237 (Rossvie Rd) & Dunbar Cave Rd	I-24 to 400 ft. west of Keysburg Rd	Widen from 2 to 3/5 Lanes & Realignment	Low
4	Stage I	KY-911 (Thompsonville Rd)	US 41A to KY-115 (Pembroke Rd)	Widen from 2 to 3 Lanes	Low
7	Stage I	SR-48 (Trenton Rd)	SR-374 to I-24	Widen from 2 to 5 Lanes	Low
101	Stage I	US 79/SR-13 (Guthrie Hwy)	Cracker Barrel Dr to International Blvd	Widen from 2/3 to 5 Lanes	Low
102	Stage I	SR-149/SR-13	River Rd to SR-13; SR-149 to Zinc Plant Rd	Widen from 2/3 to 5 Lanes	Low
103	Stage I	SR-374 (North Pkwy)	Dunbar Cave Rd to Stokes Rd	Widen from 2 to 5 Lanes	Low
104	Stage I	North-East Connector Ph 1	Ted Crozier Blvd to Wilma Rudolph Blvd to Trenton Rd	New 4/5 Lane Roadway	Low
106	Stage I	Lafayette Rd	Walnut Grove Rd through Ft Campbell Gate	Widen from 2 to 5 Lanes	Low
107	Stage I	SR-48 (Trenton Rd)	Needmore Rd	Intersection Improvement	Low
108	Stage I	KY-400 (State Line Rd)	US 41A (Ft Campbell Blvd) to KY-115 (Pembroke-Oak Grove Rd)	Reconstruct with CTL	Low
109	Stage I	KY-115 (Pembroke-Oak Grove Rd)	KY-400 (State Line Rd) to I-24	Reconstruct with CTL	Low
110	Stage I	KY-115 (Pembroke)	I-24 to KY-1453 (Barker's Mill Rd)	Reconstruct with CTL	Low

Source: NSI, CUAMPO

# 2045

## Clarksville Urbanized Area

CHAPTER 11

TABLE 11.10 2045 MTP ROADWAY PROJECTS WITH FREIGHT BENEFITS

ID	STAGE	ROUTE	LOCATION	IMPROVEMENT
1	Stage I	SR-374 Ext	Dotsonville Rd to US 79/SR 6 (Dover Rd)	New 4 Lane Roadway
2	Stage I	SR-374 Ext/SR-149	Dotsonville Rd to SR-149; SR-374 to River Rd	New 4 Lane Roadway & Bridge, Widen from 2 to 5 Lanes
3	Stage I	SR-237 (Rossvie Rd) & Dunbar Cave Rd	I-24 to 400 ft. west of Keysburg Rd	Widen from 2 to 3/5 Lanes & Realignment
4	Stage I	KY-911 (Thompsonville Rd)	US 41A to KY-115 (Pembroke Rd)	Widen from 2 to 3 Lanes
7	Stage I	SR-48 (Trenton Rd)	SR-374 to I-24	Widen from 2 to 5 Lanes
101	Stage I	US 79/SR-13 (Guthrie Hwy)	Cracker Barrel Dr to International Blvd	Widen from 2/3 to 5 Lanes
102	Stage I	SR-149/SR-13	River Rd to SR-13; SR-149 to Zinc Plant Rd	Widen from 2/3 to 5 Lanes
103	Stage I	SR-374 (Warfield Blvd)	Dunbar Cave Rd to Stokes Rd	Widen from 2 to 5 Lanes
104	Stage I	North-East Connector Ph 1	Ted Crozier Blvd to Wilma Rudolph Blvd to Trenton Rd	New 4/5 Lane Roadway
106	Stage I	Lafayette Rd	Walnut Grove Rd through Ft Campbell Gate	Widen from 2 to 5 Lanes
107	Stage I	SR-48 (Trenton Rd)	Needmore Rd	Intersection Improvement
109	Stage I	KY-115 (Pembroke-Oak Grove Rd)	KY-400 (State Line Rd) to I-24	Reconstruct with CTL
105	Stage II	Jack Miller Blvd Ext	Tobacco Rd to Peachers Mill Rd	New 4 Lane Roadway
201	Stage II	SR-374 (Warfield Blvd)	Memorial Dr to Dunbar Cave Rd	Widen from 2 to 4 Lanes
203	Stage II	North-East Connector Ph 2	SR-48 (Trenton Rd) to Peachers Mill Rd	New 4 Lane Roadway
204	Stage II	Peachers Mill Rd	Pine Mountain Rd to Stonecrossing Dr	Widen from 3 to 4 Lanes
207	Stage II	KY-117	US 41A (Ft Campbell Blvd) to KY-115 (Pembroke-Oak Grove Rd)	New 5 Lane Roadway

Source: NSI, CUAMPO

**RESOLUTION 2023-08**

**APPROVING AMENDMENT KYTC#1 FOR THE FY2023-FY2026  
TRANSPORTATION IMPROVEMENT PROGRAM 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 to add new TIP project# 16, I-24/KY-115 Interchange (Exit 89). This project 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 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 30 - day public review period began on July 10, 2023 and ended August 9, 2023. 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 KYTC#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 approve Amendment KYTC#1 of the FY2023-FY2026 TIP and the associated CDR of the Clarksville Urbanized Area.

**Resolution Approved:** August 10, 2023

---

Mayor Joe Pitts, Chairman  
Clarksville Urbanized Area MPO

eSTIP Project Report

New  
Amd KYTC#1



<b>ID</b>	<b>PIN #</b>	<b>Length in Miles</b>	<b>Lead Agency</b>
16		1.30	KYTC

**County:**  
Christian

<b>Route</b>	<b>Total Project Cost</b>
I-24	\$22,500,000.00

**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)

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

FY	Phase	Fund Code	Total Funds	Federal Funds	State Funds	Local Funds
2023	PE-D	SPP	\$600,000	\$0	\$600,000	\$0
<b>Total</b>			<b>\$600,000</b>	<b>\$0</b>	<b>\$600,000</b>	<b>\$0</b>





*New  
Amd* KYTC#  
1



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
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	\$2,660,000	\$0	\$2,660,000	\$0	\$0	\$0
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	\$28,287,728	\$27,741,760	\$22,630,105	\$0	\$5,657,623	\$20,430,105	\$545,968
STBG-L	2024	\$3,420,968	\$2,786,900	\$2,736,697	\$0	\$684,271	\$436,697	\$634,068
STBG-L	2025	\$3,659,068	\$3,000,000	\$2,907,177	\$0	\$751,891	\$507,177	\$659,068
STBG-L	2026	\$3,809,068	\$0	\$3,007,177	\$0	\$801,891	\$507,177	\$3,809,068
STBG-S	2023	\$4,326,000	\$4,326,000	\$3,460,800	\$865,200	\$0	\$0	\$0
STBG-S	2024	\$22,035,250	\$22,035,250	\$17,628,200	\$4,407,050	\$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

Old  
Amd KYTC#1



eSTIP Fiscal Constraints Report for STIP Period 2023  
Clarksville MPO

Generated at 05/19/2022  
Report Generated by : LIVE.COM#JILL.HALL@CITYOFCLARKSVILLE.COM

Fund Code	Fiscal Year	Budget Total	Programmed Funds	Federal Funding	State Funding	Local Funding	Federal Carryover	Remaining Balance
5303	2023	\$40,000	\$40,000	\$32,000	\$2,000	\$6,000	\$0	\$0
5303	2024	\$40,000	\$40,000	\$32,000	\$2,000	\$6,000	\$0	\$0
5303	2025	\$40,000	\$40,000	\$32,000	\$2,000	\$6,000	\$0	\$0
5307	2023	\$5,595,131	\$5,595,131	\$3,045,557	\$1,119,166	\$1,430,408	\$0	\$0
5307	2024	\$5,595,131	\$5,595,131	\$3,045,557	\$1,119,166	\$1,430,408	\$0	\$0
5307	2025	\$5,595,131	\$5,595,131	\$3,045,557	\$1,119,166	\$1,430,408	\$0	\$0
5307	2026	\$5,595,131	\$5,595,131	\$3,045,557	\$1,119,166	\$1,430,408	\$0	\$0
5310	2023	\$316,476	\$316,476	\$263,158	\$26,659	\$26,659	\$0	\$0
5339	2023	\$498,152	\$498,152	\$398,521	\$49,815	\$49,816	\$0	\$0
5339	2024	\$333,000	\$333,000	\$266,400	\$33,300	\$33,300	\$0	\$0
5339	2025	\$333,000	\$333,000	\$266,400	\$33,300	\$33,300	\$0	\$0
5339	2026	\$333,000	\$333,000	\$266,400	\$33,300	\$33,300	\$0	\$0
CMAQ	2023	\$1,036,440	\$1,036,440	\$1,036,440	\$0	\$0	\$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
.OCAL	2023	\$21,586,161	\$21,586,161	\$0	\$0	\$21,586,161	\$0	\$0
.OCAL	2024	\$8,500,000	\$8,500,000	\$0	\$0	\$8,500,000	\$0	\$0
.OCAL	2025	\$0	\$0	\$0	\$0	\$0	\$0	\$0
.OCAL	2026	\$0	\$0	\$0	\$0	\$0	\$0	\$0
VHPP	2023	\$14,075,000	\$14,075,000	\$11,260,000	\$2,815,000	\$0	\$0	\$0
VHPP	2024	\$2,910,000	\$2,910,000	\$2,328,000	\$582,000	\$0	\$0	\$0
VHPP	2025	\$2,375,000	\$2,375,000	\$1,900,000	\$475,000	\$0	\$0	\$0
VHPP	2026	\$1,890,000	\$1,890,000	\$1,512,000	\$378,000	\$0	\$0	\$0
HSIP	2023	\$0	\$0	\$0	\$0	\$0	\$0	\$0
HSIP	2024	\$0	\$0	\$0	\$0	\$0	\$0	\$0
HSIP	2025	\$0	\$0	\$0	\$0	\$0	\$0	\$0
HSIP	2026	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PP	2023	\$2,060,000	\$2,060,000	\$0	\$2,060,000	\$0	\$0	\$0
PP	2024	\$0	\$0	\$0	\$0	\$0	\$0	\$0

## APPENDIX C: IAC COMMENTS/MEETING MINUTES

**Marc Corrigan**

Fri, Mar 24, 3:05 PM (6 days ago)

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

Jill,

A couple things on this amendment to the MTP and TIP:

The first thing I noticed was the 7 day turn-around for comments (I think this also applies to the earlier TIP amendment you sent on 3/21). This is a KY project, so I don't know what the KY conformity SIP allows for reviews of projects like this. The TN conformity SIP requires 14 days, but allows for shorter timeframes with concurrence of all members of the IAC. I'd recommend a bit more time if possible (perhaps to the 4<sup>th</sup> of April if all from the IAC concur). I'm not sure what rules here – it is probably the KY conformity SIP, though.

With regards to the modeling aspect, for regional emissions analysis, we know it is exempt due to the South Coast II determination by the Courts. For planning purposes, I can't comment, other than to say that if we did have to conduct a regional emissions analysis, this would likely be exempt from the regional emissions analysis, even then, due to the exemptions in 40 CFR 93.127.

I noticed a couple typos. Call me if you want me to let you know what I found (the file is too large to email).

Those are my comments. Have a good weekend!

Marc

**Bowman, Anna M (EEC)**

9:38 AM (5 hours ago)

to Sarah, Josue, Sean, Dianna, Dasha, Jonathan, Kelly, Richard, Kelly, Stan, Lauren, Andres, Marc, Eric, Jal

Good morning Jill,

After review of the CDR, the Division for Air Quality concurs with Amendment 4 of the 2045 MTP for the I-24/KY-115 interchange (Exit 89) project. 40 CFR 93.109(e) references "Areas with limited maintenance plans," which applies to Christian County's approved LMP. Can be found at: <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-93/subpart-A/section-93.109>

I converted the first 5 pages of the CDR to Word (attached) and made some minor edit suggestions. Tracking changes (All Markup) will need to be enabled.

Thanks and have a great day.

Best,

**Anna Bowman**

Kentucky Division for Air Quality  
Evaluation Section  
300 Sower Boulevard, 2<sup>nd</sup> Floor  
Frankfort, KY 40601  
ph: 502-782-6563

**Khan, Jahan (KYTC)**

Wed, Mar 29, 1:44 PM  
(1 day ago)

to Dasha, Jonathan, Lauren, Marc, Eric, Jahan, Mikael, Justin, me, Sarah, Josue, Sean, Dianna, Kelly, Richa

Hello Jill,

Kentucky Transportation Cabinet concurs that the reconstruction project for I-24/KY-115 interchange at Exit 89 will have negligible impact on Air Quality Model as reviewed also by Neel-Schaffer consultants.

No additional modeling is required for the KYTC Amendment 4 to 2045 MTP.

Thank you,

Jahan Khan  
Kentucky Transportation Cabinet  
Division of Planning

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

Wed, Mar 29, 3:36 PM (22  
hours ago)

to Sarah, Josue, Sean, dasha, Jonathan, Kelly, Richard, Kelly, stan.williams, Lauren, anna.bowman @ky.gov, Andres, marc.corrigan@tn.gov, Eric, Jahan, Mikael, Contact, me

Jill,

Please see EPA's comments on the CDR and the attachment for the Appendix as referenced in the document.

Let me know if you have any questions.

*Dianna B. Myers*  
*Regional Transportation Conformity Contact*  
*Air Regulatory Management Section-ARD*  
[US Environmental Protection Agency](#)  
*Phone-(404) 562-9207 Fax-(404) 562-9019*  
[Email-myers.dianna@epa.gov](mailto:dianna@epa.gov)

Under Transportation Conformity Process, page 4, bottom of third paragraph Dianna asked the following to be inserted, "On January 3, 2022, EPA approved a second 10-yr Limited Maintenance Plan for the Montgomery

County Area 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". Appendix C was added for the Federal Register – 1997 LMP Montgomery County, TN

**Marc Corrigan**

8:57 AM (5 hours ago)

to Dianna, me

Jill,

That was a good catch by Dianna. It is useful to have the current status of the maintenance area indicated in the document. In addition to the TN side, the KY side also has a recently approved LMP (see attached).

Marc

**Bowman, Anna M (EEC)**

9:38 AM (5 hours ago)

to Sarah, Josue, Sean, Dianna, Dasha, Jonathan, Kelly, Richard, Kelly, Stan, Lauren, Andres, Marc, Eric, Jal

Good morning Jill,

After review of the CDR, the Division for Air Quality concurs with Amendment 4 of the 2045 MTP for the I-24/KY-115 interchange (Exit 89) project. 40 CFR 93.109(e) references "Areas with limited maintenance plans," which applies to Christian County's approved LMP. Can be found at: <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-93/subpart-A/section-93.109>

I converted the first 5 pages of the CDR to Word (attached) and made some minor edit suggestions. Tracking changes (All Markup) will need to be enabled.

Thanks and have a great day.

Best,

*Anna Bowman*

Kentucky Division for Air Quality  
Evaluation Section  
300 Sower Boulevard, 2<sup>nd</sup> Floor  
Frankfort, KY 40601  
ph: 502-782-6563

**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).<sup>1</sup> EPA set the

<sup>1</sup> 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.<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).

EPA 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. 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 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 Paisie, 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 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](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 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.<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

<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

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>

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 Joseph Paisie, OAQPS, October 6, 1995; and "Limited Maintenance Plan Option for Moderate PM<sub>10</sub> Nonattainment Areas," from Lydia Wegman, OAQPS, August 9, 2001.

<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)

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

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).

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

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- II. Public Comments and EPA Responses
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**BY LAWS**  
**OF THE**  
**CLARKSVILLE URBANIZED AREA METROPOLITAN PLANNING**  
**ORGANIZATION**  
**EXECUTIVE BOARD**

**ARTICLE I - NAME**

The name of the organization shall be the **Clarksville Urbanized Area Metropolitan Planning Organization Executive Board.**

**ARTICLE II - COMPOSITION**

The **Executive Board** shall be composed of principal officials of governmental jurisdiction participating in the Clarksville Urbanized Area Transportation Planning Process. Membership by jurisdiction is as follows:

<b>Governor</b>	<b>State of Tennessee</b>
<b>Transportation Cabinet Secretary</b>	<b>Commonwealth of Kentucky</b>
<b>Mayor</b>	<b>City of Clarksville, TN</b>
<b>Mayor</b>	<b>City of Hopkinsville, KY</b>
<b>Mayor</b>	<b>City of Oak Grove, KY</b>
<b>County Mayor</b>	<b>Montgomery County, TN</b>
<b>County Judge/Executive</b>	<b>Christian County, KY</b>
<b>Executive/Official</b>	<b>Greater Nashville Regional Council</b>
<b>Director</b>	<b>Clarksville Transit Systems</b>
<b>Highway Department Superintendent</b>	<b>Montgomery County, TN</b>



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<b>Highway Department Superintendent</b>	<b>Montgomery County, TN</b>



### **ARTICLE III - DUTIES**

The **Executive Board** constitutes the forum for cooperative transportation decision making in the Clarksville Urbanized Area with responsibilities as follows:

1. Administrative and fiscal control;
2. Review and approval of regional transportation planning, programming, and implementation decisions;
3. Establish study/project committees as required to ensure cooperative, comprehensive and continuing transportation planning;
4. Establish a public participation process; and
5. Comply with applicable Federal regulations and requirements.

### **ARTICLE IV - ORGANIZATION**

1. The Executive Board shall elect a Chairperson and Vice Chairperson from its membership. Such election shall be by a majority of that membership.
2. Election of officers shall take place on the first meeting of the calendar year and the term of office shall be for one year or until such new officers are elected.
3. An officer may succeed oneself, with no limitation to number of terms, contingent on eligibility as the result of being a member of the Executive Board.
4. The Chairperson of the TCC shall serve as Secretary of the Executive Board.

### **ARTICLE V - DUTIES OF CHAIRPERSON**

1. The Chairperson, or in his absence, the Vice Chairperson, shall preside at all meetings of the Executive Board.

2. The Chairperson shall authenticate, by his signature, all resolutions adopted by the Executive Board.
3. The Chairperson or his designated representative shall represent the Executive Board at hearings, conferences, and other events as required.

#### **ARTICLE VI - MEETINGS**

1. The Executive Board shall meet at least quarterly or as required to accomplish administrative control of the planning process and maintain certification. The date, time, and location will be advertised at least fourteen (14) days prior to meetings.
2. Each Executive Board member shall designate, in writing, an alternate representative to serve at meetings during said member's absence.
3. The presence of a simple majority, more than fifty (50) percent of the Executive Board membership or designated alternatives at Board meetings shall constitute a quorum for business transaction.

#### **ARTICLE VII - RULES OF ORDER**

1. The Executive Board shall conduct business as prescribed in Robert's Rules of Order Revised unless prescribed otherwise by amendment to these by-laws.
2. The Secretary of the Executive Board shall be the Board's Parliamentarian.

#### **ARTICLE VIII - AMENDMENT TO BY LAWS**

1. These By-laws may be amended by affirmative vote of a quorum of the Board. A By-law change shall be presented for consideration at a regular Board Meeting with voting being deferred until subsequent meeting.