

Appendix 9D

Lafarge Global Settlement/Consent Decree - Alpena Facility

**V. NO_x CONTROL TECHNOLOGY, EMISSION LIMITS, TONNAGE LIMITS,
AND MONITORING REQUIREMENTS**

A. NO_x Control Technology, Emission Limits and Tonnage Limits.

11. Subject to Section VII (Temporary Cessation of Kiln Operation), the Lafarge Companies shall install the NO_x Control Technology and comply with the Emission Limits and Tonnage Limits for the specific Facilities and Kilns within their system according to Paragraphs 11 through 44. The Lafarge Companies shall Continuously Operate each NO_x Control Technology as applicable to each Kiln at all times of Kiln Operation, except for periods of Malfunction of the NO_x Control Technology. Compliance with any requirement of this Section V (NO_x Control Technology, Emission Limits, Tonnage Limits, and Monitoring Requirements) relating to any specific Facility or Kiln shall not be required if the Lafarge Companies Retire any such Facility or Kiln prior to any date for compliance. If one or more Kilns at a Facility is in Temporary Cessation, then the following provisions shall apply in addition to any other requirements in this Consent Decree:

- a. The Lafarge Companies shall comply with the applicable Demonstration Phase Facility-Wide 12-Month Rolling Average Emission Limit at all other Kilns not in Temporary Cessation at the Facility within 12 months of the Day on which the last Optimization Phase was concluded (as determined by U.S. EPA and the Affected State) at a Kiln not in Temporary Cessation at the Facility; and
- b. The Lafarge Companies shall comply with the applicable Facility-Wide 12-Month Rolling Average Emission Limit and Facility-Wide 12-Month Rolling Tonnage Limit at all other Kilns not in Temporary Cessation on the dates required in this Section V (NO_x Control Technology, Emission Limits, Tonnage Limits and Monitoring Requirements).

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12. By January 1, 2011, the Lafarge Companies shall achieve and maintain compliance with an interim Facility-Wide 12-Month Rolling Tonnage Limit for NO_x of 8,650 tons.

13. Control Technology Retrofit Option.

- a. Subject to Section VII (Temporary Cessation of Kiln Operation), the Lafarge Companies shall have installed and Commenced Continuous Operation of the SNCR technology specified in the table below on individual Kilns in the order selected by the Lafarge Companies within each specified Kiln Group (“KG”) at the Alpena Facility by the dates specified below:

Kiln	Control Technology	Date of Installation and Commencement of Continuous Operation	30-Day Rolling Average Emission Limits (lbs. NO_x/Ton of clinker)	Demonstration Phase Facility-Wide 12-Month Rolling Average Emission Limit (lbs. NO_x/Ton of clinker)
1 st Kiln in KG5	SNCR	10/1/2011	<i>See Appendix</i>	4.89
2 nd Kiln in KG5	SNCR	11/1/2011	<i>See Appendix</i>	
3 rd Kiln in KG5	SNCR	12/1/2011	<i>See Appendix</i>	
1 st Kiln in KG6	SNCR	1/1/2012	<i>See Appendix</i>	
2 nd Kiln in KG6	SNCR	3/1/2012	<i>See Appendix</i>	

- b. Upon installation of the Control Technology, the Lafarge Companies shall Continuously Operate the SNCR technology during all times of Kiln Operation, except during periods of SNCR technology Malfunction.
- c. If the Lafarge Companies elect not to Retire and Replace any Alpena Kiln in accordance with Section VIII (Election to Retire and Replace Kilns), then:
 - i. Within 12 months after the conclusion of the Optimization Phase as it applies to Kilns 19, 20, and 21 (KG5) identified in Paragraphs 13 and 7.z(1), the Lafarge Companies shall achieve and maintain compliance with the Demonstration Phase Facility-Wide 12-Month Rolling Average Emission Limit for NO_x of 4.89 lbs./Ton of clinker at Kilns 19, 20, and 21 (KG5), or, alternatively, at those Kilns the Lafarge Companies have elected not to Retire and Replace;
 - ii. Within 12 months after the conclusion of the Optimization Phase as it applies to Kilns 22 and 23 (KG6) identified in Paragraphs 13 and 7.z(1), the Lafarge Companies shall achieve and maintain compliance with the Demonstration Phase Facility-Wide 12-Month Rolling Average Emission Limit for NO_x of 4.89 lbs./Ton of clinker at Kilns 19, 20, 21, 22, and 23 (KG5 and KG6), or, alternatively, at those Kilns the Lafarge Companies have elected not to Retire and Replace.
- d. The Lafarge Companies shall comply with the Appendix (Control Technology Demonstration Requirements) in setting a 30-Day Rolling Average Emission Limit for NO_x applicable to each Alpena Kiln that the Lafarge Companies have not otherwise elected to Retire and/or Replace pursuant to Section VIII (Election

to Retire and Replace Kilns). Within 30 Days after the establishment of a 30-Day Rolling Average Emission Limit for NO_x under the Appendix at any Alpena Kiln that the Lafarge Companies have not otherwise elected to Retire or Replace, the Lafarge Companies shall achieve and maintain compliance with the 30-Day Rolling Average Emission Limit for NO_x at the respective Kiln.

14. Kiln Replacement Option. If the Lafarge Companies elect to Retire and Replace any Alpena Kiln in accordance with Section VIII (Election to Retire and Replace Kilns), then Paragraph 13 (Control Technology Retrofit Option) shall not apply to that Kiln. Instead, the Lafarge Companies shall:

- a. Within 180 Days from the Date of Lodging of this Consent Decree, submit an application addressing all applicable requirements under the Clean Air Act and the Michigan SIP for a permit to install any Replacement Kiln(s) and thereafter take all other actions necessary to obtain such permits or approvals after filing the applications including, but not limited to, responding to reasonable requests for additional information by the permitting authority in a timely fashion, and conducting any environmental or other assessment lawfully required by the permitting authority;
- b. Submit written notice to U.S. EPA and the State of Michigan pursuant to Section XIX (Notices) within ten (10) Days after the date on which the Lafarge Companies have commenced construction of the Replacement Kiln(s), stating the date on which such construction commenced;
- c. Complete construction of the Replacement Kiln(s) within 42 months of the date on which the Lafarge Companies commence construction of the Replacement

Kiln(s), provided that if the Lafarge Companies fail to commence construction of any Replacement Kilns by January 1, 2012 or within 12 months of permit issuance pursuant to Paragraph 14.a., whichever is earlier, then, in addition to any other remedies available to the United States or the State of Michigan under this Consent Decree or other applicable law, the Lafarge Companies shall either:

- i. Install and Commence Continuous Operation of the Control Technology by January 1, 2014 or within 36 months of permit issuance pursuant to Paragraph 14.a., whichever is earlier, and thereafter comply with the Control Technology and other applicable requirements of Paragraph 13 as to the existing Alpena Kilns; or
 - ii. Retire the Kiln(s) by July 1, 2012 or within 18 months of a permit issuance pursuant to Paragraph 14.a, whichever is earlier.
- d. Commence Kiln Operation of any Replacement Kiln(s) within 42 months of the date on which the Lafarge Companies commence construction of the Replacement Kiln, or January 1, 2015, whichever is earlier;
- e. Retire the Replaced Kiln(s) within 180 Days of commencement of Kiln Operation of the Replacement Kiln(s);
- f. Install and Commence Continuous Operation of one SNCR at each Replacement Kiln within 42 months of the date on which the Lafarge Companies commence construction of the Replacement Kiln, or January 1, 2015, whichever is earlier; and
- g. Within 180 Days after the Lafarge Companies have commenced Kiln Operation of any Replacement Kiln at Alpena, achieve and maintain compliance with a 30-

Day Rolling Average Emission Limit for NO_x of 2.1 lb/Ton of clinker, or the applicable New Source Performance Standard for NO_x for Portland Cement Manufacturing Facilities promulgated pursuant to Section 111 of the Act, whichever is more stringent, at each Replacement Kiln.

15. Subject to Paragraph 16 below, within 54 months of the date on which the Lafarge Companies commence construction of any Replacement Kiln(s), or January 1, 2016, whichever is earlier, the Lafarge Companies shall, at Alpena, achieve and maintain compliance with a Facility-Wide 12-Month Rolling Tonnage Limit for NO_x of 7,160 Tons of NO_x emitted per 12-month period.

16. Notification Regarding Alpena Replacement Compliance Dates. If a governmental entity's failure to act upon a timely-submitted or supplemented permit or approval application submitted pursuant to Paragraph 14.a., or the action of any third-party challenging the issuance of such permit operates to delay the issuance or effectiveness of a final valid permit or approval, thereby impairing the Lafarge Companies' ability to timely satisfy the implementation schedule requirements of Paragraph 14, the Lafarge Companies shall notify, in writing, the U.S. EPA and the State of Michigan of any such delay as soon as the Lafarge Companies reasonably conclude that the delay could affect their ability to comply with the implementation schedule set forth in Paragraph 14.

- a. If the Lafarge Companies provide the notification required under this Paragraph 16, the Lafarge Companies shall propose in such notification, for approval by the U.S. EPA and the State of Michigan pursuant to Section XXII (Modification), a modification to the applicable schedule of implementation setting out the time necessary to comply after the permit or approval has been finalized and becomes

45. At each Kiln identified in Paragraph 7.z of this Decree (except for Joppa Kiln 3), the Lafarge Companies shall install and make operational within 12 months of the Effective Date a NO_x continuous emissions monitoring system (CEMS) at each stack which collects emissions from such Kiln (or Kilns, in the case of Ravenna) in accordance with the requirements of 40 C.F.R. Part 60.

46. Except during CEMS breakdowns, repairs, calibration checks, and zero span adjustments, the CEMS required pursuant to Paragraph 45 shall be operated at all times during Kiln Operation. Each such CEMS shall be used at each Kiln to demonstrate compliance with the NO_x Emission Limits established in Section V.A (NO_x Control Technology, Emission Limits, and Tonnage Limits) and the Appendix (Control Technology Demonstration Requirements), as applicable, of this Consent Decree.

47. Each NO_x CEMS required pursuant to Paragraph 45 shall monitor and record the applicable NO_x emission rate from each Kiln stack in units of lbs of NO_x per Ton of clinker produced at such Kiln and shall be installed, certified, calibrated, maintained, and operated in accordance with the applicable requirements of 40 C.F.R. Part 60.

48. For purposes of this Consent Decree, all emissions of NO_x shall be measured by CEMS. During any time when CEMs are inoperable and otherwise not measuring emissions of NO_x from any Kiln, the Lafarge Companies shall apply the missing data substitution procedures used by the Affected State or the missing data substitution procedures in 40 C.F.R. Part 75, Subpart D, whichever is deemed appropriate by the Affected State.

VI. SO₂ CONTROL TECHNOLOGY, EMISSION LIMITS, TONNAGE LIMITS, AND MONITORING REQUIREMENTS

A. SO₂ Control Technology, Emission Limits, and Tonnage Limits.

49. Subject to Section VII (Temporary Cessation of Kiln Operation), the Lafarge

Companies shall install the SO₂ Control Technology and comply with the Emission Limits for the specific Facilities and Kilns within their system according to Paragraphs 49 through 77. The Lafarge Companies shall Continuously Operate each SO₂ Control Technology as applicable to each Kiln at all times of Kiln Operation, except for periods of Malfunction of the SO₂ Control Technology. Compliance with any requirements of this Section VI relating to any specific Facility or Kiln shall not be required if the Lafarge Companies Retire any such Facility or Kiln prior to any date for compliance. If one or more Kilns at a Facility is in Temporary Cessation, then the following provisions shall apply in addition to any other requirements in this Consent Decree:

- a. The Lafarge Companies shall comply with the applicable Demonstration Phase Facility-Wide 12-Month Rolling Average Emission Limit at all other Kilns not in Temporary Cessation at the Facility within 12 months of the date on which the last Optimization Phase was concluded (as determined by U.S. EPA and the Affected State) at a Kiln not in Temporary Cessation at the Facility.
- b. The Lafarge Companies shall comply with the applicable Facility-Wide 12-Month Rolling Average Emission Limit and Facility-Wide 12-Month Rolling Tonnage Limit at all other Kilns not in Temporary Cessation on the dates required in this Section VI (SO₂ Control Technology, Emission Limits, Tonnage Limits and Monitoring Requirements).

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50. By January 1, 2011, the Lafarge Companies shall achieve and maintain compliance with an interim Facility-Wide 12-Month Rolling Tonnage Limit for SO₂ of 13,100 tons per year.

51. Control Technology Retrofit Option.

- a. Subject to Section VII (Temporary Cessation of Kiln Operation), the Lafarge Companies shall have installed and Commenced Continuous Operation of DAA or Wet FGD technology in the table specified below on individual Kilns in the order selected by the Lafarge Companies within each specified Kiln Group (“KG”) at the Alpena Facility by the dates specified below:

Kiln	Control Technology	Date of Installation and Commencement of Continuous Operation	30-Day Rolling Average Emission Limits	Demonstration Phase Facility-Wide 12-Month Rolling Average Emission Limit (lbs. SO₂ /Ton of clinker)
1 st Kiln in KG5	DAA	10/1/2011	See Appendix	3.68
2 nd Kiln in KG5	DAA	11/1/2011	See Appendix	
3 rd Kiln in KG5	DAA	12/1/2011	See Appendix	
1 st Kiln in KG6	Wet FGD	1/1/2014	See Appendix	
2 nd Kiln in KG6	Wet FGD	3/1/2014	See Appendix	

- b. Upon installation of the SO₂ Control Technology, the Lafarge Companies shall Continuously Operate the SO₂ Control Technology during all times of Kiln Operation, except during periods of SO₂ Control Technology Malfunction.

- c. Lafarge shall design each Wet FGD to be installed at Alpena Kilns 22 and 23 (KG6) to achieve a removal efficiency for SO₂ of no less than 90%.
- d. If the Lafarge Companies elect not to Retire and Replace any Alpena Kiln in accordance with Section VIII (Election to Retire and Replace Kilns), then:
 - i. Within 12 months after the conclusion of the Optimization Phase as it applies to Kilns 19, 20, and 21 (KG5) identified in Paragraphs 51 and 7.z(1), the Lafarge Companies shall achieve and maintain compliance with the Demonstration Phase Facility-Wide 12-Month Rolling Average Emission Limit for SO₂ of 3.68 lbs./Ton of clinker at Kilns 19, 20, and 21 (KG5), or, alternatively, at those Kilns the Lafarge Companies have elected not to Retire and Replace;
 - ii. Within 12 months after the conclusion of the Optimization Phase as it applies to Kilns 22 and 23 (KG6) identified in Paragraphs 51 and 7.z(1), the Lafarge Companies shall achieve and maintain compliance with the Demonstration Phase Facility-Wide 12-Month Rolling Average Emission Limit for SO₂ of 3.68 lbs./Ton of clinker at Kilns 19, 20, 21, 22, and 23 (KG5 and KG6), or, alternatively, at those Kilns the Lafarge Companies have elected not to Retire and Replace.
- e. The Lafarge Companies shall comply with the Appendix (Control Technology Demonstration Requirements) in setting a 30-Day Rolling Average Emission Limit for SO₂ applicable to each Alpena Kiln that the Lafarge Companies have not otherwise elected to Retire and/or Replace pursuant to Section VIII (Election to Retire and Replace Kilns). Within 30 Days after the establishment of a 30-Day

Rolling Average Emission Limit for SO₂ under the Appendix at any Alpena Kiln that the Lafarge Companies have not otherwise elected to Retire or Replace, the Lafarge Companies achieve and maintain compliance with the 30-Day Rolling Average Emission Limit for SO₂ at the respective Kiln.

52. Kiln Replacement Option. If the Lafarge Companies elect to Retire and Replace any Alpena Kiln in accordance with Section VIII (Election to Retire and Replace Kilns), then Paragraph 51 (Control Technology Retrofit Option) shall not apply to that Kiln. Instead, the Lafarge Companies shall:

- a. Within 180 Days following the Date of Lodging of this Consent Decree, submit an application addressing all applicable requirements under the Clean Air Act and the Michigan SIP for a permit to install any Replacement Kiln(s) at Alpena and thereafter take all other actions necessary to obtain such permits or approvals after filing the applications including, but not limited to, responding to reasonable requests for additional information by the permitting authority in a timely fashion, and conducting any environmental or other assessment lawfully required by the permitting authority;
- b. Submit written notice to U.S. EPA and the State of Michigan pursuant to Section XIX (Notices) within 10 Days after the date on which Lafarge has commenced construction of the Replacement Kiln(s), stating the date on which such construction commenced;
- c. Complete construction of the Replacement Kiln(s) within 42 months of the date on which the Lafarge Companies commence construction of the Replacement Kiln(s), provided that if the Lafarge Companies fail to commence construction of

any Replacement Kilns by January 1, 2012 or within 12 months of permit issuance pursuant to Paragraph 52.a., whichever is earlier, then, in addition to any other remedies available to the United States or the State of Michigan under this Consent Decree or other applicable law, the Lafarge Companies shall either:

- i. Install and Commence Continuous Operation of the Control Technology by January 1, 2015 or within 48 months of permit issuance pursuant to Paragraph 52.a, whichever is earlier, and thereafter comply with the Control Technology and other applicable requirements of Paragraph 50 as to the existing Alpena Kilns; or
 - ii. Retire the Kiln(s) by July 1, 2012 or within 18 months of permit issuance pursuant to Paragraph 52.a, whichever is earlier;
- d. Commence Kiln Operation of the Replacement Kiln(s) within 42 months of the date on which the Lafarge Companies commence construction of the Replacement Kiln, or January 1, 2015, whichever is earlier;
- e. Retire the Replaced Kiln(s) within 180 Days of commencement of Kiln Operation of the Replacement Kiln(s);
- f. Within 42 months of the date on which the Lafarge Companies commence construction of the Replacement Kiln, or January 1, 2015, whichever is earlier, install and Commence Continuous Operation of Wet FGD technology designed to achieve a Control Efficiency for SO₂ of 95% at each Replacement Kiln, as compared to an identical Replacement Kiln without Wet FGD technology, at the Alpena Facility or, subject to review and approval by U.S. EPA and the Affected State pursuant to Section XI (Review and Approval of Submittals), equivalent

alternative SO₂ Control Technology that may include but shall not be limited to kiln system design, which is individually or collectively designed to achieve a Control Efficiency for SO₂ equivalent to that of Wet FGD technology designed to achieve a Control Efficiency for SO₂ of 95% at each Replacement Kiln(s) at the Alpena Facility; and

- g. Within 180 Days after the Lafarge Companies have commenced Kiln Operation of the applicable Replacement Kiln at Alpena, achieve and maintain compliance with a 30-Day Rolling Average Emission Limit for SO₂ of 1.4 lb/Ton of clinker, or the New Source Performance Standard for SO₂ for Portland Cement Manufacturing Facilities promulgated pursuant to Section 111 of the Act, whichever is more stringent, at each Replacement Kiln.

53. Subject to Paragraph 54 below, within 54 months of the date on which the Lafarge Companies commence construction of any Replacement Kiln(s), or January 1, 2016, whichever is earlier, the Lafarge Companies shall, at Alpena, achieve and maintain compliance with a Facility-Wide 12-Month Rolling Tonnage Limit for SO₂ of 5,762 Tons emitted per 12-month period.

54. Notification Regarding Alpena Replacement Kiln Compliance Date. If a governmental entity's failure to act upon a timely-submitted or supplemented permit or approval application submitted pursuant to Paragraph 52.a or the action of any third-party challenging the issuance of such permit operates to delay the issuance or effectiveness of a final valid permit or approval, thereby impairing the Lafarge Companies' ability to timely satisfy the implementation schedule requirements of Paragraph 52, the Lafarge Companies shall notify, in writing, the U.S. EPA and the State of Michigan of any such delay as soon as the Lafarge Companies reasonably

88. The limitations on the generation and use of netting credits or offsets set forth in Paragraphs 86 do not apply to emission reductions achieved by the Lafarge Companies that are surplus to those required under this Consent Decree (“surplus emission reductions”). For purposes of this Paragraph, surplus emission reductions are the reduction over and above those required under this Consent Decree that result from the Lafarge Companies’ compliance with federally enforceable emissions limits that are more stringent than limits imposed under this Consent Decree or from the Lafarge Companies’ compliance with emissions limits otherwise required under applicable provisions of the Clean Air Act or with an applicable SIP that contains more stringent limits than those imposed under this Consent Decree.

89. Nothing in this Consent Decree is intended to preclude the emission reductions generated under this Consent Decree from being considered by U.S. EPA or a State as creditable contemporaneous emission decreases for the purpose of attainment demonstrations submitted pursuant to § 110 of the Act, 42 U.S.C. § 7410, or in determining impacts on NAAQS, PSD increments, or air quality-related values, including visibility in a Class I area.

90. The Lafarge Companies shall, within 30 Days after the Effective Date, apply to the State of Georgia for and upon issuance retire fifty (50) NO_x Emission Reduction Credits pursuant to Georgia's Emission Reduction Credit Rule Ga. Comp. R. & Regs. R., 391-3-1-.03(13) and the Clean Air Act. Lafarge shall thereafter provide notice to U.S. EPA of such retirement within 30 Days following receipt from the State of Georgia of confirmation of the retirement.

X. PERMITS

91. Where any compliance obligation under this Consent Decree requires the Lafarge Companies to obtain a federal, State, or local permit or approval the Lafarge Companies shall submit a timely and complete application for such permit or approval and take all other actions

necessary to obtain all such permits or approvals, allowing for all legally required processing and review including requests for additional information by the permitting or approval authority.

Except as provided for in Paragraphs 16, 21, 54, and 59, the Lafarge Companies may seek relief under the provisions of Section XIV of this Consent Decree (Force Majeure) for any delay in the performance of any obligation under this Consent Decree resulting from a failure to obtain, or a delay in obtaining, any permit or approval required to fulfill such obligation, if the Lafarge Companies have submitted timely and complete applications and have taken all other actions necessary to obtain all such permits or approvals and responses to requests for additional information.

92. In addition to having first obtained any required preconstruction permits or other approvals pursuant to Paragraph 91, the Lafarge Companies, within 12 months after the Commencement of operation of each Control Technology required to be installed, upgraded, or operated on a Kiln under this Consent Decree, shall apply to the Affected State to include the requirements and limitations enumerated in this Consent Decree in a construction permit or other permit or approval (other than a Title V permit) which is federally enforceable, issued under the SIP of the Affected State, and issued under authority independent of the Affected State's authority to issue Title V permits. The permit or approval shall require compliance with any applicable 30-Day Rolling Average Emission Limit, Facility-Wide 12-Month Rolling Average Emission Limit, and any applicable Facility-Wide 12-Month Rolling Tonnage Limit, and any monitoring requirements, including those in Sections V.B and VI.B. of this Decree. Following submission of the application for the permit or approval, the Lafarge Companies shall cooperate with the appropriate permitting authority by promptly submitting all information that such permitting authority seeks following its receipt of the application for the permit.

CONSENT DECREE APPENDIX
United States of America et al v. Lafarge North America, Inc., et al.
Control Technology Demonstration Requirements

I. Scope and Applicability

1. The Lafarge Companies¹ shall comply with this Appendix in proposing and establishing 30-Day Rolling Average Emission Limits for Nitrogen Oxide (“NOx”) and Sulfur Dioxide (“SO2”) as applicable under Sections V and VI of the Consent Decree for individual kilns at Alpena, Sugar Creek, Fredonia, Joppa, Paulding, Ravena, Seattle and Tulsa (Affected Kilns).
2. The Affected Kilns include kilns of varying type, age, design and operating capacities. Raw materials employed in the Affected Kilns vary substantially. Similarly, fuels permitted and employed in the Affected Kilns vary by location and can include fuel oil, natural gas, coal, petroleum coke, tire-derived fuel, hazardous waste derived fuels, used oils and other materials beneficially reused as fuel. The Lafarge Companies shall take the following steps to establish 30-Day Rolling Average Emission Limits as required under Sections V and VI of the Consent Decree for NOx and/or SO2 at individual Affected Kilns at Alpena, Sugar Creek, Fredonia, Joppa, Paulding, Ravena, Seattle and if necessary, Tulsa:
 - a. **Design Report:** The Lafarge Companies shall prepare and submit to U.S. EPA and the Affected State a Design Report for each Control Technology required under the Consent Decree for each Affected Kiln, except Sugar Creek;
 - b. **Baseline Data Collection:** The Lafarge Companies shall collect baseline emission and operational data for each Affected Kiln for a 180-Day period prior to initiating operation of any Control Technology. The baseline data collection may run concurrently with other activities identified within this Appendix;
 - c. **Optimization Program:** Following completion of installation of each Control Technology at each Affected Kiln, the Lafarge Companies shall, consistent with the requirements of Sections V or VI of the Consent Decree, undertake a startup and optimization program for each Control Technology;
 - d. **Demonstration Program:** Upon completion of the startup and optimization program specified above, the Lafarge Companies shall operate the Control Technology in an optimized manner for a period of 12 months for the purpose of establishing a 30-Day Rolling Average Emission Limit for each Affected Kiln;
 - e. **Final Report:** The Lafarge Companies shall prepare and submit to U.S. EPA and the Affected State for approval, a Final Report following completion of the 12-month period used to establish 30-Day Rolling Average Emission Limits for each Affected Kiln.

¹ All terms in this Appendix shall be construed consistent with meanings specified in Section III, Definitions, of the Consent Decree into which this Appendix is incorporated.