

2009 AMENDED CONSENT DECREE

EXHIBIT H

Federal Stream Restoration Supplemental Environmental Project

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Supplemental Environmental Project Stream Restoration

1. Project Description

The purpose of the Stream Restoration Project is to provide one-time restoration work for various stretches of streams in Jefferson County, Kentucky as described in MSD's Stream Restoration Plan to be submitted as provided below. The Stream Restoration Project will target stretches of streams affected by discharges from MSD's Sewer System. Stream restoration may include one-time clean up of the streams and stream beds, removing debris and trash, improving habitat, stabilizing banks, creating vegetation buffers and/or removing invasive vegetation.

2. General Obligations

MSD shall prepare a Stream Restoration Plan and submit the plan to EPA for review and approval within thirty (30) days of entry of this Amended Consent Decree. At a minimum, the Stream Restoration Plan shall contain MSD's strategy for restoring various stretches of streams in Jefferson County, including work schedules and work budgets.

Upon review of the Stream Restoration Plan, EPA may (1) approve, in whole or in part, or (2) provide comments to MSD for the purposes of identifying the deficiencies in the Stream Restoration Plan. Upon receipt of EPA's comments, MSD shall have thirty (30) days to revise and resubmit the Stream Restoration Plan for review and approval, subject only to MSD's rights under the dispute resolution provisions of this Amended Consent Decree. Upon resubmittal, EPA may (1) approve or (2) disapprove and provide comments to MSD identifying the deficiencies. Upon such resubmittal, if the Stream Restoration Plan is disapproved, then EPA may deem MSD to be out of compliance with this Amended Consent Decree for failure to

satisfactorily complete the SEP and may assess stipulated penalties pursuant to paragraph 49 of this Amended Consent Decree. Upon EPA approval of all or any part of the Stream Restoration Plan, the Stream Restoration Plan, or any approved part of the Stream Restoration Plan (provided that the approved part is not dependent upon implementation of any part not yet approved), shall be deemed incorporated into this Amended Consent Decree as an enforceable requirement of this Amended Consent Decree.

Within six (6) months of approval by EPA of the Stream Restoration Plan, MSD shall retain personnel or contract for services under the Stream Restoration Plan, secure necessary federal, state and local permits, and begin work to satisfy the Stream Restoration Plan. MSD shall complete the work under the Plan within one year of beginning the work.

3. Total Costs

The total costs to be spent by MSD on the Stream Restoration Plan shall not be less than \$400,000.