

IT IS SO ORDERED.

Dated: 12:05 PM July 16 2009


MARILYN SHEA-STONUM *JS*
U.S. Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:	:	
	:	Chapter 11
AKRON THERMAL, LIMITED	:	
PARTNERSHIP,	:	Case No. 07-51884
	:	
Reorganized Debtor.	:	Chief Judge Marilyn Shea-Stonum

**AGREED ORDER RESOLVING THE APPLICATION OF THE OHIO
ENVIRONMENTAL PROTECTION AGENCY FOR ALLOWANCE AND
PAYMENT OF ADMINISTRATIVE EXPENSE [DOCKET NO. 672]**

This matter is before the Court upon the Application of the Ohio Environmental Protection Agency for Allowance and Payment of Administrative Expense filed June 9, 2009 [Docket No. 672] (the "Application"). As indicated by the signatures below, the Ohio Environmental Protection Agency ("Ohio EPA") and Akron Thermal, Limited Partnership, the Reorganized Debtor ("ATLP") have reached an agreement concerning the Application. More particularly, the undersigned agree as follows:

- A. The allowed amount of the administrative claim of the Ohio EPA for unpaid post-petition air emission fees for the calendar year 2007 (which were due November 1, 2008 is \$54,435.46, plus interest that continues to accrue at the State of Ohio rate of interest which is presently four percent (4%) from November 1, 2008 forward.
- B. The parties have agreed to a compromise and settlement of the administrative expense described in paragraph A, above. ATLP may satisfy the claim in full, including air emission fees, interest and any other charges described in paragraph A, above, by making the following periodic payments to the Attorney General of Ohio in a timely manner:

	<u>Date</u>	<u>Amount</u>
1.	July 30, 2009	\$6,000.00
2.	August 27, 2009	\$6,000.00
3.	September 24, 2009	\$6,000.00
4.	October 29, 2009	\$6,000.00
5.	November 25, 2009	\$6,000.00
6.	December 31, 2009	\$6,000.00
7.	January 28, 2010	\$6,000.00
8.	February 25, 2010	\$7,486.78

- C. The above payments will be made by check made payable to the Ohio Environmental Protection Agency, and mailed to Michelle T. Sutter, Principal Assistant Attorney General, Environmental Enforcement Section, 30 E. Broad Street, 25th Floor, Columbus, Ohio 43215. Payments will be deemed timely if mailed by the above dates.
- D. Failure to make any of the above payments as provided herein shall constitute a default of the compromise and settlement upon the happening of which the entire sum set forth in paragraph A above shall become due and payable immediately,

without demand, together with all other applicable fees and charges, with credit
being given for amounts received prior to the default.

E. This Agreed Order resolves the Application in its entirety.

IT IS SO ORDERED.

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AGREED:

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