



**Minnesota
Pollution
Control
Agency**

EXAMPLE

Legal Contract to Trade Form A

Transfer of Jordan Trading Units Between Individual Permittees

Date Received		
Month	Day	Year

Minnesota River Basin General Phosphorus Permit – Phase I (Permit)

The terms used in this form have the same meaning and definitions as used in the Permit. This form must be signed by both Permittees to be valid. As stated in the Permit, Permittees may only enter into Legal Contracts to Trade up to September 30th of the trading year. Submit this form to: Water Quality Submittal Center, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, MN 55155-4194 by November 30th of trading year.

Trade Information

Year of Jordan Trading Unit (JTU) Transfer (use one form per year): 2007

Buyer Name: City of Blue Water WWTF **MN River Basin Permit No.:** MNG420999

Seller Name: City of Blue Skies WWTF **MN River Basin Permit No.:** MNG420998

Buyer Information					Seller Information		
A. Upward Adjustment to Buyer's 5-Month Mass Phosphorus Limit (kg)	B. Buyer JBOD Factor	C. JTUs Needed to Adjust Buyer's 5-Month Mass Phosphorus Limit	D. Buyer Trade Ratio	E. Total JTUs Purchased	F. Total JTUs Sold	G. Seller JBOD Factor	H. Downward Adjustment to Seller's 5-Month Mass Phosphorus Limit (kg)
40	0.5	20	1.1	22	22	0.33	67

A - The buyer's chosen upward adjustment (kg) to its facility's 5-Month Mass Phosphorus Limit due to this trade. This value must be expressed as a whole number.

B - The buyer's JBOD Factor as indicated in the Appendix B or G of the Permit.

C - Number of JTUs needed to adjust buyer's 5-Month Mass Phosphorus Limit (C=A*B).

D - Buyer Trade Ratio as required by Appendix B of the Permit.

E - Total number of JTUs required to adjust the buyer's 5-Month Mass Phosphorus Limit and for the Trade Ratio required by the Permit (E=C*D).

F - Total number of JTUs sold equals the number of JTUs purchased (F=E).

G - The seller's JBOD Factor as indicated in Appendix B or G of the Permit.

H - The seller's downward adjustment to its facility's 5-Month Mass Phosphorus Limit due to this trade (H=F/G). This value must be a whole number (round up to nearest whole number if necessary).

Certification and Signatures

I certify under penalty of law that this document and any attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. The buyer agrees that its facility's 5-Month Mass Phosphorus Limit will be adjusted upward as indicated in column A of the table above. The seller agrees that its facility's 5-Month Mass Phosphorus Limit will be adjusted downward as indicated in column H of the table above. Both parties agree to the terms of this form. I understand that this trade is not valid unless my facility is a Permittee of the Minnesota River Basin General Phosphorus Permit (MNG420000). This Agreement shall be binding upon each party and its successors and assigns. If either party sells or otherwise conveys or assigns any of its right, title or interest in its facility, the conveyance shall not release the party from any obligation imposed by this Agreement, unless the party to whom the right, title or interest has been transferred or assigned agrees in writing to fulfill the obligations of this Agreement and the MPCA approves the transfer or assignment. The parties to this Agreement shall ensure the party's agents, contractors and subsidiaries comply with the terms and conditions of the Agreement.

Signature of Seller (Principal Executive Office)

Tom Johnson

Printed name of person signing

Signature of Buyer (Principal Executive Office)

Joe Smith

Printed name of person signing

March 2, 2007

Date

Mayor

Title

March 1, 2007

Date

Mayor

Title

EXAMPLE

Legal Contract to Trade Form A

Transfer of Jordan Trading Units Between Individual Permittees

Minnesota River Basin General Phosphorus Permit – Phase I (Permit)

This form is required to be submitted to the MPCA for any trades of Jordan Trading Units (JTU) between individual Permittees of the **Minnesota River Basin General Phosphorus Permit – Phase I (Permit)**. Trades can only be made by facilities which are Permittees of the Permit. A copy of the trade form must be submitted to the MPCA by each party to the agreement. This is not the correct form to use for trades involving a Trade Association. The trade is not valid until it is received by the MPCA.

1. Trade Information:

- Facility Name and Permit Number (buyer and seller): Fill in the facility name as listed in Appendix B of the Permit. If this facility is not listed in Appendix B of the Permit, fill in the name listed in the facility's individual or applicable general NPDES/SDS permit. Provide the facility's Permit ID from Appendix B of the Permit. If this facility does not have a Permit ID number, fill in the facility's ID number from its individual or applicable general NPDES/SDS permit.
- Year of JTU Transfer: Specify the year in which this trade will occur. A separate Legal Contract to Trade Form is required for each year in which the facility trades. A trade specified for a particular year may not be transferred to another year.

2. Trade Table: Trades result in the buyer's 5-Month Mass Phosphorus Limit to be adjusted upwards and the seller's 5-Month Mass Phosphorus Limit to be adjusted downwards according to the procedure specified by the Permit.

- Column A – Indicate the mass in kilograms that the buyer wishes to increase its 5-Month Mass Phosphorus Limit due to this trade. For example, if a facility has a 5-Month Mass Phosphorus Limit of 0 kg listed in Appendix B of the Permit and it would like authorization to discharge 1000 kg during the May-September period of the specified year, it would indicate 1000 kg in column A of this table.
- Column B - Indicate the Jordan BOD Factor of the buyer in this trade. Existing facility's have their Jordan BOD Factor listed in Appendix B of the Permit. New facility's can determine their Jordan BOD Factor by consulting the map in Appendix G of the Permit. This factor is used in the calculation of the number of Jordan Trading Units (JTUs) that the facility needs for the trade.
- Column C – Calculate the number of JTUs that will be needed to increase the buyer's 5-Month Mass Phosphorus Limit by the amount requested in Column A. This value is equivalent to the value listed in column A multiplied by the value listed in column B.
- Column D – List the Trade Ratio of the buyer. The Permit specifies a Trade Ratio of either 1.1:1 (for facilities listed in Appendix B, part 1 of Permit) or 1.2:1 (for facilities listed in Appendix B, part 2 of Permit).
- Column E – Calculate the total number of JTUs that the buyer needs to purchase. This value is equal to the sum of the number of JTUs purchased to adjust the buyers limit upwards and the number of JTUs purchased for the Trade Ratio. This value can be calculated by multiplying the values in columns C and D. The difference between column E and column C is the number of JTUs required by the Permit for the trading program margin of safety.
- Column F – List the number of JTUs sold by the seller. This is equivalent to the number of JTUs bought by the buyer (i.e. column F = column E).
- Column G - List the Jordan BOD Factor of the seller. This factor is used to calculate the downward adjustment (in kg) to the seller's 5-Month Mass Phosphorus Limit. This value can be found in Appendix B or G of the Permit.
- Column H – Calculate the downward adjustment (in kg) to the seller's 5-Month Mass Phosphorus Limit. This is equivalent to column F divided by column G.

3. Certification and Signatures:

- Both parties must sign and date this agreement for it to be a valid agreement. All signatures must be made by a responsible official. The MPCA is not a party to this agreement. A copy of this agreement must be recorded by each party. A copy of this agreement must be submitted to the MPCA by each party to this agreement. The terms used in this form have the meanings defined in the Permit. Permittees may enter into Legal Contracts to Trade up to September 30th of the trading year. This completed trade form must be submitted to the MPCA by November 30th of the trading year in order to be valid.