



## Michael J. Tomko

Shareholder | Salt Lake City

### Biography

Michael Tomko is a member of the Environmental, Energy and Natural Resources department. Mike graduated from Pennsylvania State University with a B.S. degree in engineering and holds a J.D. degree from the University of Utah. For more than 20 years, Mike's practice has focused almost exclusively on air quality law. He has been involved with air quality rulemaking, permitting, and compliance matters in numerous states and EPA regions.

Mike has represented a wide variety of clients on a range of air quality issues. Typical matters include:

- Assisting in air permitting strategy and major NSR (PSD) applicability determinations.
- Helping companies strategically respond to EPA (Section 114) informational requests.
- Counseling and resolving noncompliance matters including notices of violations.
- Defending permit decisions against project opponents.
- Assisting on state and national air quality rulemakings, including meeting with state air quality agencies and USEPA to negotiate rulemakings to ensure workable regulatory schemes.
- Providing focused air quality training to environmental professionals and those responsible for ensuring compliance with air quality permits and regulations.

Because Clean Air Act law often involves complex technical issues, Mike's engineering degree offers him a distinct advantage. Prior to attending law school, Mike worked for more than seven years as an environmental and petroleum engineer for Chevron U.S.A., Inc., in southern California where he obtained registration as a professional mechanical engineer. This background has greatly assisted in his Clean Air Act practice.

### Contact information

801.532.1234

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### Capabilities

Air Quality

Oil & Gas

Environmental & Natural Resources

Mining

### Licensed/Admitted

U.S. Dist. Court, Dist. of Utah

Utah

Mike has chaired the local (Great Basin Chapter) of the Air & Waste Management Association and has written and presented on air quality issues.

Mike is recognized in *Best Lawyers in America* for his environmental law and litigation practice. He has also been named one of *Utah Business* magazine's Legal Elite for his energy and natural resources practice.

## Experience

### Permitting, Development and Environmental Impact Statement

Representing a large copper mining company in permitting and development of a producing mine, including an Environmental Impact statement and federal land exchange.

### Successfully Represented Rio Tinto In Clean Air Lawsuit

Parsons Behle & Latimer attorneys successfully represented Rio Tinto Kennecott in a significant clean air lawsuit argued before a federal judge of the United States District Court, in Utah. On June 8, 2016, the ruling sided with Parsons' arguments in support of Kennecott.

A coalition of environmental groups filed a citizen suit against Kennecott under the Clean Air Act seeking to significantly limit mining activity at Utah's Bingham Canyon Mine.

The team, led by Michael A. Zody, successfully argued the cross motions for summary judgment in court. Senior litigation attorney Michael L. Larsen and environmental attorneys Michael A. Tomko and Jacob A. Santini, laid out key factual and legal arguments before the court. Federal Judge Robert Shelby determined that the State of Utah had granted Kennecott the necessary permits each time it planned to increase mine production and did not violate any laws.

### Andeavor SLC Refinery

Lead litigation counsel in successfully defending CAA permit appeal in an administrative hearing and on appeal to the Utah Supreme Court.

## Accomplishments

### Professional

Recognized in *The Best Lawyers in America*, Environmental Law

Named 2016, 2018 and 2024 *Best Lawyers in America* "Lawyer of the Year" in Salt Lake City for Litigation -- Environmental

Recognized in Chambers USA for Environment, Natural Resources & Regulated Industries Law

Recognized in Utah Business Magazine's 2023 Legal Elite

Chevron Corp.,

Petroleum Engineer, Environmental Engineer,

Supervisor of Air Pollution

(1982 - 1989)

## Academic

University of Utah, S.J. Quinney College of Law (J.D., 1992)

Pennsylvania State (B.S., 1981) - Major: Environmental Engineering