

*Mike Zody is the chair of Parsons Behle & Latimer's Energy, Environmental and Natural Resources practice teams. Mike is a seasoned environmental and compliance litigator with more than 30 years' experience who helps mining and industrial clients present their best strategic position in administrative, and state and federal court proceedings. His expertise includes rulemaking challenges, enforcement defense and permit defense cases.*



## Michael A. Zody

**Environmental & Natural Resources Practice  
Area Chairperson | Shareholder | Salt Lake City**

### Biography

Mike Zody is the chair of Parsons Behle & Latimer's Energy, Environmental and Natural Resources practice teams. He is also a member of the Litigation, Trials and Appeals and Employment and Labor practice teams.

#### Environmental Practice:

With more than 30 years of experience, Mike's environmental practice spans the full range of environmental and natural resources litigation and covers state and local administrative proceedings, federal administrative proceedings, and state and federal court actions. Mike's practice focuses on defending civil and criminal enforcement actions, toxic tort defense, environmental property damage litigation, citizens' suits, permit defense actions, administrative agency litigation and other aspects of environmental litigation. His recent areas of focus have included complex Clean Air Act litigation and defense of permit appeals, defense of several complex environmental criminal enforcement matters, NEPA cases, multiple rulemaking and permit challenge hearings before administrative agencies and defending IBLA appeals. His practice also encompasses EPA rulemaking challenges in the federal circuit courts of appeal, including the D.C. Circuit where he is admitted and has argued.

#### Employment Practice:

Mike's employment practice focuses on OSHA and MSHA. Mike has developed a specialty in whistleblower and retaliation cases. He also handles internal investigations and independent investigations.

### Contact information

801.536.6818

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### Capabilities

Environmental Litigation &  
Administrative Appeals

Project Permitting & Compliance

Environmental Crimes

Air Quality

Employment & Labor

Contaminated Properties/CERCLA

NEPA

### Licensed/Admitted

U.S. Court of Appeals, District of  
Columbia Circuit

U.S. Court of Appeals, 10th Circuit

Utah

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

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Mike has been heavily involved in the Labor and Employment Law Section of the Utah State Bar, serving in every position and ultimately holding the title of chair of the Section for 1999 - 2000.

Mike is listed in *Best Lawyers in America* and *Chambers USA*.

## Experience

### **First Ever in the US CERCLA Off-Site Rule Reconsideration Hearing**

In a first-ever reconsideration appeal of a CERCLA Off-Site Rule Determination to a Regional Administrator, Mike successfully convinced the EPA Region 8 Administrator to modify an adverse Off-Site Rule Unacceptability Determination. The result allowed the client to begin accepting off-site wastes after having been precluded from doing so for several months.

### **Environmental, Social and Governance (ESG) Project**

Assisted on an environmental, social and governance (ESG) project for the San Juan County Clean Energy Foundation LLC to establish a fund designed to contribute to the near communities.

### **Obtained First-Ever Variance from a Utah OSHA Standard**

Assisted a large manufacturing client in securing the first-ever variance granted by Utah OSHA through an administrative process wherein Parsons convinced Utah OSHA that the client's alternative safety practices were equally protective as the mandated practice applicable under the regulations.

### **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.

### **Mining Joint Venture**

Litigation counsel in mining joint venture dispute resolved in arbitration.

### **Andeavor SLC Refinery**

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

### **Energy Fuels Resources (USA) Inc.**

Lead litigation counsel in obtaining summary judgment dismissing all claims alleging CAA NESHAP violations.

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**Dyno Nobel**

Lead environmental litigation counsel in negotiating CWA and RCRA consent decree with the Environmental Protection Agency for two facilities in Missouri.

**Accomplishments****Professional**

American Bar Association, Litigation Section, Co-chair Air Litigation Subcommittee, Environment and Energy Litigation Committee

United Way of Salt Lake 2010 Young Leaders Member of the Year

Extensive Pro Bono work, past Salt Lake County Bar

Association Pro Bono Lawyer of the Year

2007 Child Advocate of the Year, awarded by Voices for Utah Children

2008 Outstanding Domestic Violence Service Partner, awarded by Legal Aid Society of Salt Lake

Listed in *Best Lawyers in America* and *Chambers USA*

Recognized in Utah Business Magazine's 2023 Legal Elite

*Best Lawyers in America* 2019 "Lawyer of the Year" for Labor Law - Management, Salt Lake City

**Academic**

Indiana University (J.D., *cum laude*, 1990)

Purdue University, (B.A., 1987)

**Associations****Professional**

American Bar Association - Environment, Energy and Resources, and Litigation Sections - Member

**Community**

Chair, Environmental Committee, Utah Manufacturers Association

Member, Board of Directors, Voices for Utah Children - 2018-2022

United Way of Salt Lake

Board of Directors, Past Member

Impact Council, Past Co-Chair

Public Policy Committee, Past Chair

Young Leaders, Past Chair

**Articles**

"Prep For Enviro Scrutiny As Trump Policies Are Rolled Back," (February 8, 2021)

*Law360*

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“EPA Announces August 31, 2020 Termination of Temporary Enforcement Relief Policy,” (July 1, 2020)

## **Presentations**

“What You May Have Missed While Focusing on COVID-19: Facilities that Discharge to Groundwater Need to Assess Whether They Need NPDES Permits,” (May 14, 2020)

Parsons Behle & Latimer and Barr Engineering Webinar

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