



Martin K. Banks

Shareholder

Martin Banks is a shareholder of Parr Browns' Environmental Law practice group and Litigation practice group. His environmental practice includes counseling clients in cost-effective regulatory compliance and permitting strategies. He has broad experience with issues involving the Clean Air Act, the National Environmental Policy Act, the Endangered Species Act, the Clean Water Act, the Administrative Procedures Act and the clean-up and transfer of contaminated properties. Martin's business litigation practice includes environmental and natural resource matters, real estate and land use issues (including public land use), construction disputes and OSHA matters.

Prior to joining Parr Brown Marty was a partner at Stoel Rives. He was also formerly a trial attorney at the U.S. Department of Justice (1991-1994), and an associate at White & Case (1989-1991).

CONTACT INFORMATION

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Connect

PRACTICE AREAS

Occupational Safety & Health Law (OSHA)

Natural Resources Law

Energy and Utilities

Environmental Law

Mining Law

Water Law

Land Use and Zoning

Commercial Litigation Services

EDUCATION

- ▶ 1989, J.D. Order of the Coif, George Washington University National Law Center, George Washington Journal of International Law
- ▶ 1985, B.A., cum laude, Brigham Young

Representative Environmental Work

Clean Water Act (and Wetlands)

- *Friends of Great Salt Lake v. Utah Division of Water Quality* - Assisted industrial metal manufacturer with UPDES permitting and the subsequent appeal of the permit.
- *Sierra Club v. BLM* - Defended Intervenor PacifiCorp before Interior Board of Land Appeals in challenge to BLM's grant of right-of-way for mine drainage pipeline.
- *Army Corps of Engineers v. Homeowners Association* - Defended waterfront homeowners association in wetland permitting and fill enforcement action.
- *Agribusiness v. Army Corps of Engineers* - Represented agricultural property owner with wetland permitting and enforcement matter.

CERCLA, Voluntary Cleanup Programs, Brownfields Projects

- *EPA v. Ekotek* - Represented multiple major potentially responsible parties in the first and largest CERCLA Superfund site established in the State of Utah (the Ekotek site), and in that effort played a leading role on the PRP Committee during the several year litigation undertaking.
- Property Owners - Assisted large manufacturing client manage historical chemical releases and off-site soil and groundwater impacts to adjacent property owners.
- *EPA & Utah DEQ* - Assisted numerous owners of contaminated properties achieve cleanup, closure and liability releases through various

BAR ADMISSIONS

- ▶ 1989, Utah
- ▶ 1990, District of Columbia

voluntary cleanup programs, no further action protocols and other cleanup programs.

NEPA

- *Save Our Canyons v. U.S. Forest Service, Snowbird Ski Resort* – Defended intervening resort owner in citizen suit challenges to various resort expansion projects (lifts, boundary expansions, buildings, etc.).
- *Wildlands Defense v. BLM, PacifiCorp, Idaho Power* – Assisted public utilities with NEPA permitting of multi-segment Gateway West transmission line from Wyoming to Idaho. Intervened and obtained dismissals of all challenges to BLM’s approval of initial segments, For subsequently approved remaining segments, we filed request for reconsideration and obtained alternative preferred alignments.
- *Living Rivers, Sierra Club, et al. v. BLM and FWS* – Represent intervenor oil shale developer against challenges to BLM grant of easement for a utility corridor to access proposed energy project.

Clean Air Act

- *State of Utah v. EPA* – Represented intervener before the Tenth Circuit in challenge to EPA’s disapproval of Regional Haze State Implementation Plan.
- *Sierra Club v. Utah Division of Air Quality, PacifiCorp* – Defended intervening public utility in connection with a citizen suit challenge to an air permit.
- Utah Division of Air Quality – Coordinated permitting of expansion and ownership transfer of major electric generating facility.

Toxic Torts

- *Williams v. SGL* – Defended industrial manufacturer against toxic tort claims for personal injury relating to alleged exposure to air toxins. Toxic Tort: *Stevens v. EBCo* – Defended CERCLA, RCRA and toxic tort claims for personal injury and property damage relating to alleged exposure to migrating groundwater contamination.
- *Nemelka v. Ensign-Bickford* – Represented large chemical manufacturer against personal injury and property damage claims alleging damages from purported exposure to chemicals seeping into ground and travelling downstream via groundwater.

Solid & Hazardous Waste (RCRA)

- *Utah Department of Environmental Quality v. Reilly* – Represented chemical manufacturer in enforcement action involving state and federal regulators.
- Metro Recycling – Assisted large recycler with permitting and compliance issues relating to a variety of solid and hazardous wastes.

Radioactive Waste

- Energy Capital Partners – Assisted with the environmental due diligence in acquisition of a significant radioactive waste repository, including renewal of radioactive waste license.
- Developer of Uranium Mining Site – Assisted developer of former uranium mining site obtain clearance under Utah Voluntary Cleanup Program.

Drinking Water Act

- Uintah County Ordinance and Conditional Use Permit – Assisted mineral lessee with County’s development of Drinking Water Protection Ordinance, and obtained of mining and conditional use permits for exploratory

activities

- *Utah Division of Drinking Water v. Sandy City* – Represented municipality in connection with fluoride release, lead and copper investigation, and associated Notice of Violation and Administrative Order.

Representative Litigation

- *Save Our Canyons v. Snowbird and U.S. Forest Service* – Defended challenges to various ski resort expansion projects (lifts, boundary expansions, buildings, etc.) at the administrative, federal district court and federal appellate court levels.

- *Bertaut v. U.S. Department of Health* – Led trial team defending federal Centers for Disease Control and Prevention in toxic tort claims relating to vaccinations, resulting in finding of no liability.

- *Henricksons v. EBCo* – Obtained dismissals of several defendants, and favorable settlements in ground water toxic tort claims.

- *Utah Department of Environmental Quality v. Reilly* – Represented chemical manufacturer in enforcement action involving state and federal environmental regulators.

- *Stevens v. EBCo* – Defended CERCLA, RCRA and toxic tort claims for personal injury and property damage relating to alleged exposure to migrating groundwater contamination.

- *Wildlands Defense v. PacifiCorp, Idaho Power* – Assisted public utilities with NEPA permitting of multi-segment Gateway West transmission line from Wyoming to Idaho. Intervened and obtained dismissals of all challenges to BLM’s approval of initial segments, For subsequently approved remaining segments, we filed request for reconsideration and obtained alternative preferred alignments.

- *Living Rivers v. Enefit* – Represent intervenor oil shale developer against challenges to BLM grant of easement for a utility corridor to access proposed energy project.

- *Diamond Parking v. ANR Trucking* – Represented owner and operator of airport parking lot in asserting claims against prior owners and operators for historic unremediated environmental contamination.

- *Williams v. Carbon Fiber Manufacturer* – Defended manufacturer against claims relating to alleged exposure to purported toxic indoor air contamination in the workplace.

- *Nemelka v. Ensign-Bickford* – Represented large chemical manufacturer against personal injury and property damage claims alleging damages from purported exposure to chemicals seeping into ground and travelling downstream via groundwater.

- *Oakwood v. Sundrider* – Tried telecommunications contract dispute before jury trial.

- *Ron Case v. Salt Lake County* – Successfully blocked variances to zoning restrictions in rural/agricultural area.

Representative OSHA Matters

- *OSHA v. SGL Carbon Fiber* – Represented carbon fiber manufacturer in connection with OSHA incident investigation and associated citations.

- *OSHA v. USMag* – Defended client against multiple citations in connection with an industrial accident and in connection with an extensive NEP inspection.

- *OSHA v. ATI Titanium* – Assisted heavy manufacturing plant with incident investigation and citations.

- *OSHA v. Longview Fibre* – Represented paper manufacturing facility in connection with whistle-blower allegations, accident investigation and associated citations.

- *OSHA/CSB v. Silver Eagle* – Assisted client in facilitating OSHA and CSB inspections relating to refinery explosion and associated incident and NEP inspection, and defended resulting citations.
- *OSHA v. Flying-J (Big West Oil)* – Represented petroleum refinery in connection with a Petroleum Refinery NEP investigation, and assisted in its contest of the associated citations.
- *OSHA v. Silver Eagle* – Represented client in OSHA inspection surrounding refinery fire and defended and negotiated associated violations.
- *OSHA v. Holly Refining* – Assisted as local counsel in defending violations associated with NEP refinery inspection.
- *OSHA v. Chevron* – Defended refinery in enforcement action relating to violations resulting from electrical and workplace inspection.
- *OSHA v. Delta Air Lines* – Represented client in connection with OSHA citations relating to equipment maintenance procedures.
- *OSHA v. The Ensign-Bickford Company* – Contested OSHA citations pertaining to the decommissioning of an explosives manufacturing facility and associated employee death and injuries.
- *OSHA v. PacifiCorp* – Assisted client in citations related to alleged exposure to toxic materials.
- *OSHA v. Delta Air Lines* – Defended client in connection with OSHA citations relating to baggage handling equipment and associated employee injuries.
- *Union Pacific v. PSC, Kennecott, et al* – Defended shipper of waste chemicals in connection with catastrophic release from railcar near Interstate and residential development.