

H. MICHAEL KELLER

Attorney / Partner | Salt Lake City

Licensure: UT

Biography

Mike is a shareholder and practices environmental and natural resources law. He represents a wide variety of clients, including electrical power producers, natural resource companies, industrial clients, Indian Tribes, municipalities, landowners, and developers.

Mike's environmental practice includes counseling on environmental permits and compliance, developing internal compliance policies, negotiating consent decrees and conducting administrative proceedings before state and federal agencies that have involved air and water quality, hazardous wastes and materials, toxic substances, radioactive materials, petroleum storage tanks, NEPA, endangered species and migratory birds. In *Magnesium Corp. of Am. v. Air Quality Bd.*, 941 P.2d 653 (UT 1997), Mike successfully challenged an enforcement action by the Utah Air Quality Board seeking substantial penalties for excess emissions from equipment breakdown. On behalf of an interstate natural gas pipeline company, Mike negotiated an Administrative Order on Consent under CERCLA with EPA to allow the company to proceed with scheduled construction of its pipeline through an area contaminated from historic mining.

Mike represents a major interlocal (public joint action) entity in developing and providing energy services to its municipal and community-owned electric system members, advising on environmental and natural resource issues in development and operation of electric energy projects, involving renewable power (wind, solar, waste heat), coal-fired power plants, natural gas turbines, diesel generators, and electric power transmission.

Mike works closely with the firm's real estate and corporate attorneys advising clients on environmental risks and liabilities in acquisitions, mergers, and real estate transactions, including acquisitions of industrial brownfield sites for commercial and residential development. He assisted a client in its acquisition of a large lead-arsenic smelter site undergoing CERCLA remediation, negotiating agreements with state and federal agencies to allow the client to purchase and develop the smelter site as a regional medical center without liability for environmental response costs or natural resource damages.

Mike's natural resource practice focuses on public lands, mining, oil and gas, and water rights. In *Hegarty v. Bd. of Oil, Gas, & Mining*, 2002 UT 82, Mike obtained a significant ruling on well spacing under the Utah Oil and Gas Conservation Act.

Mike represents Indian Tribes on public land and environmental matters affecting their communities. He obtained an important ruling against



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Education

J.D., Duke University, Cum Laude,
1978

A.M., Geology, Dartmouth
College, 1975

A.B., Geology, Dartmouth College,
Magna Cum Laude, Phi Beta
Kappa, 1973

Biography (con't)

the Department of the Interior in *Skull Valley Band of Goshutes and Private Fuel Storage v. Davis*, 728 F. Supp. 2d 1287 (D. Utah 2010).

Practice Areas

REGULATORY COMPLIANCE
ADMINISTRATIVE
PROCEEDINGS & LITIGATION

ENVIRONMENTAL
COMPLIANCE &
REMEDIATION

ENERGY & ENVIRONMENTAL
LITIGATION

LOCAL DISTRICTS, SPECIAL
DISTRICTS & SPECIAL
SERVICE DISTRICTS

OIL, GAS & MINING

PROJECT DEVELOPMENT,
ACQUISITION, LEASING
& LAND USE

WATER RIGHTS

GOVERNMENT & AGENCIES

LOBBYING & LEGISLATION

MUNICIPAL, INTERLOCAL
& STATE ENTITIES

CONDEMNATION, EMINENT
DOMAIN & TAKINGS

Professional History

- Admitted Utah State Bar; U.S. District Court, District of Utah; U.S. Court of Appeals, Tenth Circuit
- Utah State Bar, Energy, Natural Resources, and Environmental Law Section
- American Bar Association, Section of Environment, Energy and Resources
- Rocky Mountain Mineral Law Foundation
- Dartmouth Lawyers Association

Publications and Presentations

- Water Quality Update and Program Co-Chair, Utah Water Law Conference, CLE International, (2005 - 2022)
- Contributor, ABA Section of Environment, Energy, and Resources, Air Quality Committee Report, The Year in Review (2015-2021)
- Legal Implications of Vapor Intrusion and EPA Guidance, 32nd Annual Utah Conference on Safety and Industrial Hygiene (2015)
- Co-author, Utah Chapter, ABA Handbook, Brownfields: A Comprehensive Guide to Redeveloping Contaminated Property (3rd ed. 2010)
- Chapter 4, Regulated Activities, ABA Handbook, Wetlands Law and Policy - Understanding Section 404 (2005)
- Co-author, Know the Chessboard Before You Make Your Move - A Landman's Guide to Well Location and Spacing Regulation, 54 Rocky Mtn. Min. Law Inst. 6-1 (2008)
- Environmental Risks in Real Estate Transactions, Advanced Real Estate Law in Utah, National Business Institute (2005)
- Look Before You Fill: The Impact of Wetlands Permitting on Real Estate Development in Utah, Utah State Bar Annual Meeting (2004)
- Waters of the United States (How Many Drops Does It Take), Special Inst. on Water Quality and Wetlands, Paper No. 3, Page No. 3-1, Rocky Mt. Min. L. Fdn. (2002)
- Lode or Placer? - Locating the Distinction, 31 Rocky Mtn. Min. Law Inst. 12-1 (1985)

Community Service

- Salt Lake Rotary Club 24
- Conservation Committee, Tracy Aviary
- Past Trustee and Officer:
- Board of Trustees, Friends of Tracy Aviary
- Board of Trustees, Judge Memorial Catholic High School
- Board of Trustees, Legal Aid Society of Salt Lake
- Board of Trustees, Utah Law-Related Education
- Board of Trustees, Utah Bar Foundation

Peer Recognition

- Chambers and Partners -Natural Resources & Environment
- Best Lawyers
- Super Lawyers
- Utah Legal Elite
- AV rating, Martindale-Hubbell Peer Review
- Utah Law-Related Education Scott M. Matheson Award, 2011
- Utah State Bar Energy, Natural Resources and Environmental Section Distinguished Service Award, 2010
- Utah State Bar Natural Resources and Environmental Lawyer of the Year, 1991