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(Al Hartmann | The Salt Lake Tribune) Heavy machinery works at Kennecott on Thursday, April 25, 2013.

## Air quality suit targets Kennecott operations

By Brian Maffly  
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Excess production of ore and waste rock is the subject of a court hearing Tuesday where environmentalists will argue Utah Kennecott Copper is moving far more than the 150 million tons allowed under the state's air quality plan.

The activity is adding to the particulate pollution that makes the Salt Lake Valley's air quality among the most unhealthy in the nation, groups say.

Without approval from the U.S. Environmental Protection agency, state regulators authorized production levels at Kennecott's Bingham Canyon open-pit mine to increase to 260 million tons, alleges the suit filed in Salt Lake City's court.

In its filings, Kennecott says it is in full compliance with the state air quality plan.

"The health of our families, especially our children, should be our number one priority in Utah," said Cherise Udell, of Utah Moms for Clean Air. "We can no longer allow Kennecott to pass their costs of doing business on to this community and sacrifice our health and quality of life in the process."

Udell's group, along with WildEarth Guardians, the Sierra Club and Utah Physicians for a Healthy Environment are asking Judge Robert Shelby to find Kennecott in violation of the Clean Air Act and order it to limit production.

"A good analogy to this would be speeding laws," said Jeremy Nichols, WildEarth Guardians' Climate and Energy Program director. "Just because you speed, doesn't mean a cop will pull you over. However, the fact that a cop doesn't pull you over, doesn't mean you're not violating [the limit]. Although here the Clean Air Act basically says that where a cop doesn't pull a polluter over, a citizen or citizens' group can pull over the polluter."