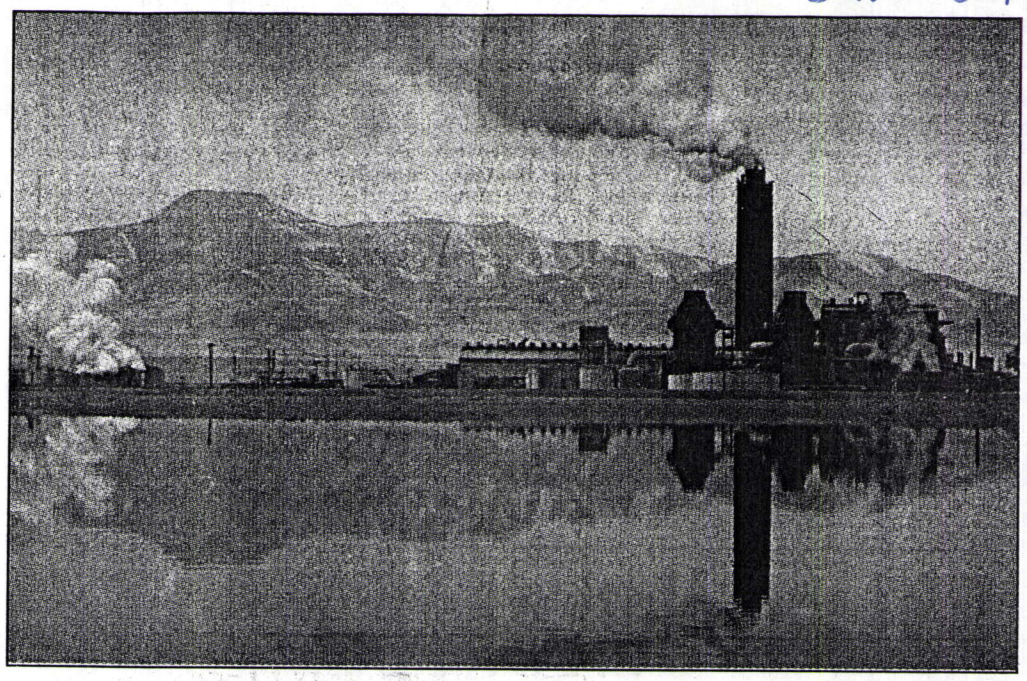
7/3/03
Business Section

EPA, US Mag discuss settling lawsuit

At loggerheads: The two sides agree that the Utah company dumps a lot of nasty stuff but not on whether that violates federal environmental law

By Judy Fahys
The Salt Lake Tribune



Leah Hogsten/*Tribune file photo*

US Magnesium's plant on the west side of the Great Salt Lake spews enough hazardous emissions each year to rank high among the nation's worst polluters. The federal government says the plant is breaking environmental law.

Settlement talks are under way in the court fight over hazardous pollutants at the US Magnesium plant.

According to filings in U.S. District Court, the company and the U.S. Environmental Protection Agency are looking at resolving their dispute over the dumping of dioxin and other hazardous chemicals at the Tooele County magnesium processing plant. Dennis Downs, director of Utah Division of Solid and Hazardous Waste, confirmed that his agency has agreed to furnish technical assistance to help settle the 2001 lawsuit.

"I know there have been discussions between the company and the EPA people," said Downs, whose agency oversees the law USMag is accused of ignoring.

Attorneys from both sides did not respond to requests for comment on the negotiations.

In May, they asked U.S. District Judge Dee Benson to delay action on the lawsuit for three more months during "further negotiation and exploration of settlement possibilities." The likelihood of a settlement remains unclear.

"The state has seen no draft agreement, so it appears a settlement is some ways off in the future," said Downs.

The case began in January, 2001, when the EPA filed a $1 billion suit against the magnesium-mining company then known as Magnesium Corporation of America, or MagCorp.

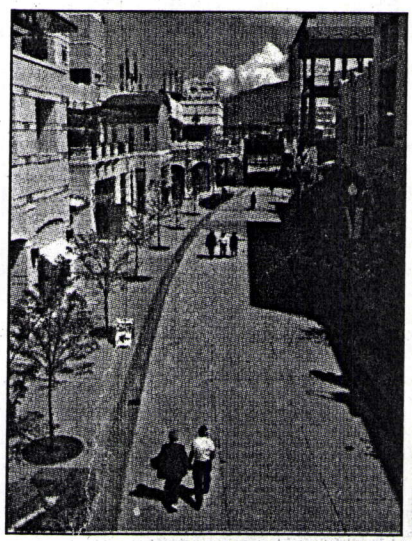
The company, EPA said, refused to comply with the nation's cradle-to-grave hazardous-waste law. Meanwhile, there was a risk that hazardous byproducts from the company might harm workers and wash into the Great Salt Lake. The plant is on the western edge of the Great Salt Lake in Rowley, about 65 miles west of Salt Lake City.

Having argued with the state over its hazardous waste compliance for years, MagCorp held firm to its position

See **EPA**, E5

Once beloved shopping malls are evolving

Tribune Staff and Wire Reports



Al Hartmann/*Tribune file photo*

Once the darling of the retail industry, the beloved shopping mall is approaching dinosaur status as developers look toward smaller formats to satisfy shoppers' tastes.

It's a transformation driven by consumers as time constraints and suburban sprawl reshape shopping habits. These days a trek to cruise the corridors of the big mall is considered a luxury among the grab-and-go crowd.

"Consumers are speaking and they want convenience," said David Bossy, a principal at Mid-America Real Estate Group in Oakbrook Terrace, Ill.

Crate & Barrel, for instance, is moving its stores out of shopping centers and into spots nearby to better serve its customers. In many cases, the retailer needs more space so it can offer furniture along with its mainstay of houseware items.

But the company also realizes that consumers have busier lifestyles, said Bette Kahn, a Crate & Barrel spokeswoman.

"People are so short of time, they don't have the

Utah companies affected as Nasdaq stops BBX system

By Steven Oberbeck
The Salt Lake Tribune

The Nasdaq Stock Market has pulled the plug on its proposed Bulletin Board Exchange, a yearlong effort conceived as a way to bring respectability to small publicly held companies that fall short of qualifying for listing on major national stock exchanges.

Several dozen Utah companies whose shares are now quoted on Nasdaq's OTC Bulletin Board system were potentially eligible for listing on the BBX.

Nasdaq's announcement relieves those Utah companies of the costs and burden of meeting the BBX's listing standards, said Reed Topham, a securities attorney with the Salt Lake City office of Stoel Rives. "But it also deprives them of the opportunity to move to a more regulated market that could have provided a better trading

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TMG1.0 449.01 +4.79
ChinaA p 9.12 +.03 +3.5
HlthSA p 9.26 +.15 -0.1
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EPA in talks with US Magnesium

● Continued from E1

that Congress specifically exempted its operations from the federal Resource Conservation and Recovery Act (RCRA). The law requires companies to monitor and safeguard certain kinds of hazardous waste from the time it is created until it is disposed.

For a while, the EPA wondered what would happen to its case when MagCorp was sold back to the original owners in a bankruptcy auction the summer after the lawsuit was filed. But the legal process kept moving forward through this spring with the plant newly named US Magnesium.

EPA's original goals were to:

● Force the company to comply with RCRA;

● Limit workers' exposure to the hazardous chemicals, toxic wastes that include cancer-causing dioxins and hexachlorobenzene (HCB);

● Clean up pollution that already had been dumped outside the plant in such places as a waste channel called "Red River"; and

● Ensure that the Utah plant's owners in New York did not wrangle out of their financial responsibilities for the waste.

Ira Rennert, whose privately held Renco Group owns a number of toxic mills and mines, has built much of his empire with junk bonds and is a controversial figure in New York for building an opulent, 100,000-square foot mansion that has been called the largest residence in the United States.

It is not clear at this point what either side hopes to achieve through settlement talks.

"There's just nothing we're going to be able to talk about," said Tom Tripp, USMag's environmental manager.

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Malls evolve from '60s concepts

● Continued from E1

shopping center, is more than twice the size of the mall location.

Providing shoppers quick access has developers busy building power centers or lifestyle centers instead of traditional shopping malls.

The trend has taken hold in Utah with the opening in the past few years of lifestyle centers The Gateway west of downtown Salt Lake City and The Riverwoods in Provo.

Such projects also may be part of plans taking shape as Ogden's Washington Boulevard and Salt Lake City's Main Street are redeveloped.

A power center, or what some call a glorified strip center, typically consists of a cluster of buildings, each home to one or more big-box retailers.

Lifestyle centers, on the other hand, tend to mimic downtown retail districts and can feature a "main street" where shoppers can park their car in front of their favorite store and dash in.

Neither approach embraces the traditional regional mall format of having two or more department stores anchor the project. Instead, the big draws are home improvement warehouses, grocery stores and discounters.

"More and more of the design is open air," said Yaromir Steiner, chief executive officer of Steiner & Associates, a mall developer in Columbus, Ohio. "You don't see six department stores with a hallway anymore."

The International Council of Shopping Centers is projecting three traditional mall openings this year, with five scheduled to open each in 2004 and 2005.

It's a far cry from the 11 centers that opened in 2001 or the 13 opened in 1999.

Many industry analysts have said that after 50 years, traditional shopping centers have no choice but to evolve.

What was new and innovative in the 1950s and 1960s has sputtered out.

"The industry is maturing," said Patrice Duker, a spokeswoman for the International Council of Shopping Centers in New York. "Some centers that have r