

GREG BARON: As the case reached the end of the third week of testimony today Judge Lord heard from two witnesses. The first, Dr. Robert Dill, a Federal Oceanographer, continued to undergo cross examination of testimony begun yesterday. In that testimony, Dr. Dill made three major points. First, he said, Reserve was inaccurate in its claim that 99.6% of all the tailings that's ever dumped remain on the plant's tailing delta. He said he'd analyzed Reserve's own study and found the conclusions likely to be in error by a margin of 10%.

Secondly, he said, a significant portion of fine tailing particles do not, as Reserve maintains, go directly to the lake bottom. Instead, he said, they remain in suspension near the surface. The government has already offered testimony indicating that surface currents can carry fine taconite particles over long distances. Those following the case will recall too that previous witnesses have claimed that taconite has been identified in Duluth drinking water, and over large areas of the lake bottom as far from Silver Bay as Wisconsin.

Finally, Dr. Dill said that, based on a careful evaluation of virtually all available data, he had concluded that the tailing operation has created a massive, slow moving, turbid current carrying taconite counterclockwise along the lake bottom, first toward Duluth, then doubling back along the Wisconsin side and heading north. It was on this conclusion that Reserve Attorney Maclay Hyde focused in much of today's cross-examination.

Implying that the equipment used in measuring the turbid current was inadequate, he asked, would you say the study results you employed were of good quality? The witness, Dill, I would say they were adequate to base my conclusions. He said, other more precise techniques and equipment could have been used. But he said, in order to get the gross picture we have, the equipment employed was adequate.

Pursuing the line, Hyde at one point asked the witness if natural erosion at Red Cliff on the Wisconsin shore couldn't travel to the bottom, contributing to the bottom turbid water. Now Dill insisted that while some material might reach the same area, the amount would likely be insignificant. At one point Hyde asked Dill if it wasn't true that the turbid water he had plotted didn't actually meet the state drinking-water clarity standards. Well, said Dill, if you looked at it, you'd call it dirty.

A brief tete-a-tete ensued, and Judge Lord finally asked the witness to try to answer the question. Well, he replied, let me put it this way, if you fill the swimming pool with it, you might be able to drink it, but you wouldn't want to swim in it. Hyde, but you could drink it? Dill, I suppose, but I wouldn't swim in it.

Now shortly after the episode, Attorney Hyde asked Dill if he was claiming that the current carried taconite particles all the way to Duluth. I didn't say that, said Dill. The very turbid current goes near Duluth, but we have no data as to where the surrounding, less-turbid water goes. The implication remained, however, that lower concentrations could reach the city.

Taking another slightly different line, Hyde described the Reserve proposal to pump its tailings directly to the lake bottom by way of pipes, and asked if Dill thought that might eliminate fine particulate matter in surface waters. Dill hesitated, then said, I would say would reduce the chances. But he said, there would still be instances when particles would come up.

Late in the day today a new witness was called, Dr. Gary Glass a Research Chemist for the National Water Quality Laboratory in Duluth. While he's offered few conclusions to this point, he has testified that in Reserve's discharge of 600 million gallons of water each day, there can be found 150,000 pounds of dissolved solids, components of taconite tailings.

It's understood here that the government through Dr. Glass testimony will attempt to prove that contrary to Reserve claims, dissolved minerals in the company's discharge alter the lake chemistry, and that lake sediments near the Reserve operation contain concentrations of dissolved metals in amounts which are known to be toxic to aquatic life. Now that position then is expected to be developed on Monday when the trial resumes. At the Federal Courthouse in Minneapolis, this is Greg Baron.