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Court Bids Company End Dumping in Lake Superior

By JANE E. BRODY

A Federal judge has warned the Reserve Mining Company, of Silver Bay, Minn., to stop dumping its waste into Lake Superior or face the possibility that its large plant will be ordered closed upon conclusion of a water-pollution trial some three months from now.

The warning was issued during a Federal District Court suit seeking to stop the dumping of waste that the Government says contains large amounts of asbestos fibers.

Judge Miles Lord told Reserve's attorney, Edward Fride, that he had hoped that "by cajoling Reserve and working with them and begging them and doing whatever what was necessary, I would get Reserve to start working on an on-land disposal systems."

"But," he continued, "you apparently are reluctant to put pen to paper and make the first move toward trying to abate what I consider to be a very substantial public health menace based on the evidence that I have heard up to this point."

Health Concern Cited

Unless "some dramatic new testimony comes into the record in this case," the judge continued, the company will be required to switch to an on-land disposal system.

He added that he was stating this now because "the case still has three months to go and if at the end of this case I am still as concerned about the public health as I am now, I will consider closing the plant immediately."

The company dumps 67,000 tons of rocky waste a day into the lake's pristine waters —a policy it has practiced for 18 years.

Many communities along the lake's extensive shores, including the City of Duluth, use the extremely pure unfiltered lake water for drinking purposes.

Last August, Federal officials, led by the Environmental Protection Agency, took Reserve to the United States District Court in Minneapolis to try to put an end to the lake disposal system.

The Government, in a case regarded as classic in the field of pollution, has sought to prove that asbestos fibers from the rocky waste are contaminating the water and being consumed by those who drink it, to the possible detriment to their health.

The Government also contends that large amounts of asbestos fibrers enter the air in Silver Bay from Reserve's smoke stacks, endangering the 3,272 residents of the company-built community.

Studies of asbestos workers have shown that the fibers can be deadly when inhaled in large amounts over a period of years. Asbestos workers have unusually high death rates from cancer of the lungs and gastrointestinal tract.

The hazards, if any, of consuming asbestos are not precisely known, although several Government witnesses have testified on the basis of preliminary studies that consumption could well be as deadly as inhalation.

Reserve, which mines an ore called taconite from which it extracts iron and concentrates it into pellets for steel production, employs about 3,200 persons in northern Minnesota. The company produces 11 million tons of taconite pellets a year, which accounts for about 15 per cent of the nation's steel production.

In a 24-page memorandum submitted by Mr. Fride in response to the judge's statement, Reserve said that testimony on health and other liability issues was not yet complete and that the company should not be compelled to act on the basis of a "hypothetical set of facts."

Noting specifically that a court-ordered study by medical scientists at the Mayo Clinic and University of Minnesota was not yet finished, Mr. Fride said it was premature to act in the absence of a firm conclusion that Reserve's discharge had any public health significance.

The attorney added that, until a final ruling was made on health and other liability issues, it would be impossible to design an on-land disposal plan because there was not sufficient information on which to base design standards.

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