

Chapter 6 The Role of the Walkerton Public Utilities Commissioners

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Chapter 6 The Role of the Walkerton Public Utilities Commissioners

6.1 Overview

The commissioners of the Walkerton Public Utilities Commission (PUC) were responsible for establishing and controlling the policies under which the PUC operated. The general manager, Stan Koebel, and the staff were responsible for administering these policies in operating the water facility. The commissioners were not aware of the operators' improper chlorination and monitoring practices; nor were they warned about the vulnerability of Well 5 to surface contamination and the resulting need for continuous monitors.

The evidence showed that the commissioners primarily concerned themselves with the financial side of the PUC's operations and had very little knowledge of matters relating to water safety and the operation of the system. They relied almost totally on Stan Koebel in these areas. The commissioners did not set any policies addressing operational issues and did not raise questions with Mr. Koebel, even when it should have been apparent to them that there were serious concerns about water safety and the manner in which Mr. Koebel was operating the waterworks.

In May 1998, the commissioners received the 1998 Ministry of the Environment (MOE) inspection report, which indicated serious problems in the operation of the Walkerton water system. The report stated that *Escherichia coli*, an indicator of "unsafe" drinking water quality, had been present in a significant number of treated water samples. Consequently, the report emphasized the need to maintain an adequate chlorine residual. It also pointed out other significant problems: the operator was not complying with the minimum sampling program, had only recently started to measure chlorine residuals in the distribution system, and was not maintaining proper training records.

The commissioners' response was to do nothing. They did not even ask for any explanation from Mr. Koebel: rather, they accepted his word that he would correct the deficient practices and then left the matter, without ever following up. As it turns out, Mr. Koebel did not maintain adequate chlorine residuals, as he said he would, and did not monitor residuals to ensure that they were adequate. In my view, it was reasonable to expect the commissioners to have done more.

Without excusing the commissioners, it is important to note that, like Stan and Frank Koebel, they did not intend to put the residents of Walkerton at risk. They believed that the water was safe. They were genuinely distraught about the events of May 2000. Moreover, it appears from the PUC records that they performed their duties in much the same way as their predecessors had. That approach seems to have been inherent in the culture at the Walkerton PUC.

Even if the commissioners had done more, it is not clear that Mr. Koebel would have changed the PUC's improper practices. However, if they had done more, it is possible that he would have brought the chlorination and monitoring practices into line, in which case it is very probable the outbreak in May 2000 would have been significantly reduced. Thus, the failure of those who were commissioners in 1998 to properly respond to the MOE inspection report represented a lost opportunity to reduce the scope of the outbreak.

6.2 The History of the Walkerton Public Utilities Commission

The Town of Walkerton and, more recently, the Municipality of Brockton have owned Walkerton's water system since it was constructed. The town operated the waterworks until 1951, when it passed a bylaw, under what is now section 38(1) of the *Public Utilities Act*,¹ to create a public utilities commission. Thereafter, the Walkerton PUC operated the town's water facilities and electricity system.

From the outset, the Walkerton PUC had three commissioners: two were directly elected, and the third, the mayor of the town, served in an *ex officio* capacity. Commissioners were elected for terms of three years, and one of the elected commissioners served as chair. Consistent with the practice throughout Ontario, commissioners were paid a small annual honorarium, which most recently was \$2,188 for the chair and \$2,000 for each of the other two commissioners. For years, the elected commissioners were acclaimed.

¹ Section 38(1) of the *Act* provides: "Subject to subsections (2) to (6), the council of a municipal corporation that owns or operates works for the production, manufacture or supply of any public utility or is about to establish such works, may, by by-law passed with the assent of the municipal electors, provide for entrusting the construction of the works and the control and management of the works to a commission to be called The Public Utilities Commission ..." Subsection (6) provides that upon repeal of the bylaw establishing the commission, the control and management of the works are vested in the municipal council and the commission ceases to exist.

On January 1, 1999, by order of the Minister of Municipal Affairs and Housing, the Town of Walkerton was amalgamated with the adjoining Townships of Brant and Greenock to form the new Municipality of Brockton. As part of the amalgamation, the Walkerton PUC was dissolved and a new public utilities commission (still called the Walkerton Public Utilities Commission) was established. The new PUC continued to treat and distribute water, and to deliver electricity, to the former Town of Walkerton.² In addition, it assumed operational responsibility for two smaller water systems in the former Townships of Brant and Greenock: those serving the Geeson and Chepstow subdivisions.

After the November 1998 passage of the *Energy Competition Act* (Bill 35) and the amalgamation, the Municipality of Brockton considered the question of whether the water operations should be transferred to the municipality or an affiliated corporation, or whether they should be left in the PUC. By the time the water supply became contaminated in May 2000, the municipal council had not yet reached a decision. Immediately after the outbreak on May 25, 2000, the Walkerton PUC convened a special meeting and passed a resolution retaining the services of the Ontario Clean Water Agency to operate the water system.

In November 2000, the ownership and control of the PUC's electricity distribution system was transferred to two related companies, Westario Power Inc. and Westario Power Services Inc. On January 8, 2001, the Brockton municipal council passed bylaws effectively dissolving the Walkerton PUC.

6.3 The Legal Status of Public Utilities Commissions

Although municipalities are creatures of the province, public utilities commissions (PUCs) are creatures of municipalities, albeit under provincial legislation. A PUC has all the powers, rights, and privileges conferred on a municipality by the *Public Utilities Act*. It functions as a local or special-purpose board of the municipality. The municipality has the power to dissolve³ or make prescribed changes to the PUC⁴ (e.g., change the composition of the board, remove powers from the PUC, and transfer powers from the PUC to the municipality).

² The sewage collection and treatment system has been operated by the municipality's public works department throughout; it was never transferred to the PUC.

³ *Public Utilities Act*, R.S.O. 1990, c. P.52, s. 45.

⁴ *Municipal Act*, R.S.O. 1990, c. M. 45, s. 210.4.

A PUC operates under the *Public Utilities Act* as a separate corporation that can enter into agreements, sue, and be sued. It has the power to make decisions concerning its day-to-day management, including obtaining, treating, and distributing water, hiring and firing employees, maintaining equipment, setting rates for the utility, and collecting those rates. Water consumers contract directly with the PUC concerning the provision of water and the rates for its use. The municipality, however, remains responsible for the capital borrowing required for public utility purposes. The municipality also generally has ownership of the assets, including real property, used by the PUC for its operations.

6.4 The Responsibilities of Public Utilities Commissioners

The *Public Utilities Act* provides no express guidance regarding the duties of public utilities commissioners beyond indicating that the constituting bylaw entrusts “the control and management of the works” to the commission.⁵ Although there are undoubtedly differences from one community to another, it appears that generally, public utilities commissioners function in a manner similar to that of the directors of a corporation. Typically, they are involved in setting policy and in determining the overall direction of the commission, but they are not directly active in its management. They are responsible for hiring and evaluating senior management, who in turn are responsible for supervising the PUC employees’ work performance and ensuring that those employees are properly qualified and trained. Commissioners receive periodic reports from senior management, review and approve budgets, and are advised of significant issues relating to operational matters.

When the commissioners are elected,⁶ there is no assurance they will have any knowledge of or experience in water treatment and distribution. The Province does not provide them with training or orientation. There is no requirement that PUC commissioners in Ontario receive training. However, in practice, after taking office, many communities’ commissioners receive some orientation from those who are involved in the ongoing management and operation of the system.

Since there is no express direction in the *Public Utilities Act* or elsewhere concerning the roles and responsibilities of public utilities commissioners, I must

⁵ *Public Utilities Act*, ss. 38(1) and 41(1).

⁶ I discuss the role of the mayor, who served as an *ex officio* commissioner, below.

be cautious in making assessments about the roles played by individual commissioners. With this in mind, I approach this analysis by looking only to the minimum that I consider could reasonably be expected of them by the public who elected these officials to oversee the operation of the water system.

Commissioners often come to the task with little or no background in operating a water system and are paid only a small honorarium. They cannot be expected to spend large amounts of time educating themselves. It is not surprising if many do not develop a sophisticated understanding of how a system operates; that is the role of senior management. Nonetheless, commissioners do seek election to an office that has the ultimate supervisory responsibility for the safety of water. They should be expected to acquire some knowledge to properly carry out their duties.

The Inquiry heard testimony from an experienced PUC manager, Kent Edwards, of the Windsor Public Utilities Commission, that the extent to which commissioners acquaint themselves with the laws, regulations, and guidelines applicable to the operation and management of waterworks is a matter of individual choice for reasonable, prudent persons. In his view, public utilities commissioners in Ontario are generally concerned with the water being safe, but they do not have an obligation to be acquainted with the Ontario Drinking Water Objectives, to know the importance of maintaining an adequate chlorine residual, or to inform themselves of the dangers of unsafe drinking water. A specific knowledge of particular pathogens such as *E. coli* would not normally be within their area of expertise. The same would hold true for municipal councillors when a municipality operates a water system.

In contrast, a more rigorous role for public utilities commissioners was proposed in a paper presented at an Ontario Municipal Waterworks Association conference in October 1997. The paper's authors suggest that commissioners should acquaint themselves with relevant legislation, regulations, guidelines, and standards, and that they should review and monitor the operations to ensure compliance with requirements and guidelines. I recognize, however, that this was only a suggestion by experienced commissioners and that there is no legislative framework requiring commissioners to do any of these things.

What is expected of public utilities commissioners may vary, depending on the size and complexity of the water system for which they are responsible. Under no circumstances, however, can they choose to relinquish their supervisory role and leave all responsibility to senior management. In my view it is reasonable

to expect, as a minimum, that commissioners absorb enough knowledge, over time, to ask intelligent questions of senior management, to evaluate the performance of senior management, and, if issues of serious concern arise, to inform themselves of what is necessary to address those issues. It is also reasonable to expect more in this regard from a commissioner who has served for a longer period of time or from a commissioner who has been a PUC chair.

In terms of the functions performed by public utilities commissioners, the first is generally to hire competent senior management. Normally, commissioners can rely on certification by the province as a satisfactory indicator of competence. As a minimum, it is reasonable to expect commissioners to receive periodic reports from the senior management, evaluate the performance of senior management, set the overall policy direction for the commission, raise questions about serious water safety issues that come to their attention through management reports or external reports, and satisfy themselves that appropriate steps are being taken to address these issues.

I do not think any of this is particularly onerous. To expect less would render the position of commissioner virtually meaningless, at least as far as water safety is concerned. In the event that commissioners consider they lack the expertise to fulfill this role, it is reasonable to expect they would engage the services of consultants to assist them in the performance of their duties.

The comments I have made have focused on commissioners who are directly elected. Some aspects of the evidence of James Bolden, the former mayor of Walkerton, and David Thomson, Brockton's current mayor, implied that *ex officio* PUC members had different and lesser responsibilities than did those who were directly elected. I note that this position was not maintained in submissions made on their behalf. In my view, a mayor who serves as an *ex officio* commissioner has the same responsibilities as do those directly elected to the office of public utilities commissioner. There is nothing to indicate otherwise in the legislation, the relevant bylaws, or in any other legal authority. I think the public would expect, reasonably, that a mayor serving as an *ex officio* commissioner would perform his or her duties as I have described.

In fact, it would be unworkable if the *ex officio* commissioner were to have any lesser responsibilities than do directly elected commissioners. It would be up to the *ex officio* commissioner to cast the deciding vote in the event the other two commissioners differed on an issue. It would make no sense to have a different standard of responsibility for one of three commissioners.

In the Part 2 report of this Inquiry, I will make extensive recommendations about the governance and operation of municipal water systems. I will include recommendations about the responsibilities of those who perform a role similar to that of public utilities commissioners.

6.5 The Expertise of the Walkerton Public Utilities Commissioners

I heard evidence from the four individuals who at the time of the outbreak had most recently been commissioners of the Walkerton PUC: James Kieffer, whose ten years as a commissioner included eight years as chair of the PUC; James Bolden, who served as Walkerton's mayor and an *ex officio* commissioner for approximately 14 years; Richard Field, who was a PUC commissioner from December 1997 to November 2000; and David Thomson, who became Brockton's mayor and an *ex officio* commissioner in January 1999. Their evidence raises two serious concerns. First, they had a poor understanding of matters that affected the PUC's ability to provide safe drinking water. Second, they relied almost completely on Stan Koebel in matters of water safety and waterworks operation.

6.5.1 The Lack of Knowledge

The public utilities commissioners had little, if any, knowledge about matters relating to water safety and the operation of a waterworks facility. They did not receive any orientation when they were first elected. James Kieffer, a long-time chair of the Walkerton PUC, testified that he received no guidance from anyone when he became a commissioner. "It was an education process from the Chair ... and the Mayor ... as I worked up through the process." Mr. Kieffer did not read any material or take any courses when he became chair. Similarly, when James Bolden, a former mayor and *ex officio* commissioner, assumed his role as commissioner in 1981, he received no orientation about his duties and responsibilities. He received no books or pamphlets about the PUC and did not view the wells. He just listened, and in this way he said he brought himself up to speed.

The dearth of information to assist PUC commissioners in understanding their responsibilities to oversee the waterworks may have contributed to their failure to take a more active role. But it is also clear that they did not make full use of

the resources at their disposal. For example, the Municipal Electric Association's Commissioner and Senior Manager Handbook describes the role of a municipal utility commissioner. It encourages commissioners to acquaint themselves with the legislation under which utilities operate and to learn about the utility's operations from the general manager. The handbook includes a chart reflecting the relationship between commissioners and managers and provides a sample job description for the general manager of a utility. This information is clearly relevant to both electrical and water utilities. Of the two commissioners who received a copy of the handbook, one (Mr. Kieffer) read some of it and the other (Mr. Field) read none at all.

Further, of the four public utilities commissioners who testified at the Inquiry, only Walkerton's former mayor, James Bolden, had read the *Public Utilities Act* and the Ontario Drinking Water Objectives (ODWO). Paradoxically, Mr. Bolden said that he had once read the ODWO but could not recall the contents subsequently. He also did not know what a chlorine residual was, or that *E. coli* could be fatal. Neither Mr. Kieffer, the chair, nor Mr. Field had read the ODWO. They did not know what a chlorine residual was, and did not know what *E. coli* was. Neither of them was aware that Ontario Regulation 435/93 requires waterworks employees to take a minimum of 40 hours' training annually, even though this requirement had been raised in both the 1996 and 1998 inspection reports. Mr. Kieffer was the only witness who was asked about his knowledge of the Chlorination Bulletin and turbidity. He had not read the bulletin and did not know what turbidity was. Mayor Thomson had not read the ODWO and did not know that *E. coli* could be harmful in water.

In Chapter 9, I deal with the approval of Well 5, a vulnerable source that at the time of its approval was seen as a temporary solution to Walkerton's water supply problems. There, I make the point that both the PUC and the MOE lost sight of the fact that Well 5 was intended to be a temporary solution. In addition, I find that by the 1990s, the PUC commissioners were unaware of Well 5's vulnerability to surface contamination.

When he began his initial term as mayor and public utilities commissioner, Mr. Bolden understood that Well 5 would be used only for a short time. He was surprised to learn that it was still in use in 1989, when he began his second term as mayor. Mr. Bolden came to understand that it would not be used in the late fall, winter, and early spring. He testified that the potential for Well 5 to be contaminated was never discussed at a PUC meeting. Only after the events of May 2000 did he become aware that the water drawn from that well

was susceptible to surface contamination due to the shallow overburden. Similarly, when asked what knowledge he had of Well 5 being susceptible to contamination, Mr. Kieffer replied he had “absolutely none.”

This evidence is inconsistent with the fact that Mr. Kieffer and Mr. Bolden reviewed the 1992 needs study conducted by B.M. Ross and Associates Ltd., which refers to Well 5 as “the second primary supply well” and as “a shallow drilled well [that] may be susceptible to contamination from surface activities due to shallow overburden protecting the aquifer.” At the time of its completion, the needs study was presented to the commissioners, including Mr. Bolden and Mr. Kieffer. However, it appears that if they had read the study, they did not absorb the information about Well 5.

Mr. Thomson, who possessed very little knowledge of the Walkerton water system before becoming Brockton’s mayor, came to know that Well 5 was drilled into bedrock, but he did not know that it was a shallow well until after the outbreak.

6.5.2 The Reliance on Stan Koebel

The Walkerton public utilities commissioners took a very narrow view of their role, which they saw as almost exclusively limited to budgeting and financial aspects of the operation. The minutes of the commissioners’ meetings for the decade leading up to the tragedy reflect that limited focus. Richard Field told the Inquiry that he understood his role to consist of attending meetings, reviewing the minutes of previous meetings, and looking after the PUC’s finances.

Mr. Kieffer testified that although the public utilities commissioners relied on Stan Koebel to inform them of any major concerns, Mr. Koebel never identified a problem that had to be addressed. During his decade-long tenure as a commissioner, Mr. Kieffer could only recall two occasions – after the PUC’s receipt of the reports of the MOE inspections carried out in 1995 and 1998 – when water quality was discussed. Even then, Mr. Kieffer did not ask Mr. Koebel any questions about the quality of the water being provided to the people of Walkerton. Mr. Thomson testified that he did not ask to see adverse sample results but expected Stan Koebel to advise him of them. There was no policy requiring Mr. Koebel to report on any particular matters, including adverse quality reports. As it turns out, he did not report adverse results to the

commissioners. In short, with two exceptions, the commissioners did not discuss water quality issues with Mr. Koebel.

The commissioners also failed to formally review or evaluate Mr. Koebel's performance as the PUC's general manager. There was no job description, no process for a periodic evaluation, and no performance criteria. The PUC did retain outside engineering consultants from time to time to assist with the construction and replacement of watermains. However, those consultants were never asked to do an evaluation of either the operating systems or the operators, and then report directly to the commissioners. Stan Koebel was the sole contact between the PUC and its consultants.

The needs study that was completed in 1992 focused on the water distribution system and, especially, on developing a long-term watermain rehabilitation program. Given that purpose, it is not surprising that the study did not involve an evaluation of the PUC's operating procedures. In fact, the study's only reference to system operation was a summary description of the town's supply wells and standpipes.

The commissioners' failure to ask questions and exercise some oversight of the operation of the system is significant in the case of their reaction to one document in particular: the 1998 MOE inspection report.

6.6 The 1998 Ministry of the Environment Inspection Report

The MOE's 1998 inspection report, together with Philip Bye's covering letter of May 6, 1998, was circulated to public utilities commissioners and tabled at a PUC meeting on May 20, 1998. The commissioners at the time were James Kieffer, Richard Field, and Mayor James Bolden.

The inspection report raised significant issues about water quality that were serious enough to alert even an uninformed reader about problems with the operation of the system. The report disclosed repeated indicators of unsafe water quality, a need to ensure that a minimum chlorine residual was maintained, inadequate records of operator training, and the fact that the operators continued to take an insufficient number of water samples. The last two problems had been identified in the previous MOE report, two years earlier, which had been provided to Mr. Kieffer, at least. (Mr. Bolden denied receiving it, and

Mr. Field was not a commissioner in 1996.) Mr. Bye's covering letter for the 1998 report emphasized the seriousness of the situation.

The minutes of the May 20, 1998, commissioners' meeting reflect Stan Koebel's assurance that three items raised in the report had been addressed. They contain no discussion, however, of the repeated indications of unsafe drinking water. When asked about the 1998 report's references to the presence of *E. coli* and unsafe drinking water quality, Mr. Kieffer said Mr. Koebel had not suggested that there was a major problem and that the commissioners relied on Mr. Koebel to alert them to major concerns. Mr. Bolden testified that *E. coli* gave him cause for concern, but the commissioners were told that the "chlorine concentration ... would look after the situation." Mr. Bolden did not recall asking Mr. Koebel any questions about *E. coli* when the report was discussed at the meeting, nor does he recall any discussion on the subject between Mr. Koebel and any of the other commissioners. This is consistent with Stan Koebel's testimony that there was no discussion about the presence of *E. coli* in the water. Mr. Bolden testified he could not recall the subject ever coming up at another commissioners' meeting.

The commissioners did not inquire about the circumstances that gave rise to the concerns in the report. It appears that Mr. Koebel assured the commissioners that he would comply with each of the items identified for action in the inspection report. The commissioners accepted Mr. Koebel's response and never followed up to determine whether he was in fact doing what he said he would. Included in Mr. Koebel's response was the assurance that the PUC would maintain a minimum total chlorine residual of 0.5 mg/L. The operators did not maintain a residual at that level of course; nor did they monitor chlorine residuals on a daily basis – a practice that is necessary to maintain the adequate residual.

I am satisfied that the concerns raised in the 1998 MOE inspection report about the water system's operation were such that the commissioners should have taken steps to ensure that those concerns were addressed. It was not sufficient to simply rely on Mr. Koebel, whose management of the operation was shown to be lacking. If the commissioners felt ill-equipped to address these matters themselves, they should have sought the assistance of someone independent of Mr. Koebel who had the necessary expertise.

I recognize that eight months later, Mr. Koebel presented the commissioners (who by then no longer included Mr. Bolden) with a letter from the MOE indicating that there had been noticeable improvement in the operation of the

PUC. That letter, however, does not excuse the commissioners' failure to respond in a proactive manner when the inspection report was received, and in the months following.

6.7 Portraits of the Commissioners

6.7.1 James Kieffer

Mr. Kieffer was a public utilities commissioner for ten years and the chair of the Walkerton PUC for eight years. He was acclaimed in each election. He has lived in Walkerton all his life and operates a number of businesses, including an agency for the Ministry of Transportation that deals with driver and vehicle licences. He is involved in several voluntary organizations and has a history of public service.

During the time that Mr. Kieffer was a commissioner, he learned very little about water treatment and water safety issues. He attended one conference jointly presented by the Ontario Municipal Waterworks Association and the American Water Works Association's Ontario Section, but does not appear to have benefited, at least in terms of informing himself about water safety issues. Like the other commissioners, he relied entirely on Stan Koebel in this critical area.

In my view, the people of Walkerton were entitled to expect more. The consequences of Mr. Kieffer's lack of knowledge and his total reliance on Stan Koebel were most apparent when the 1998 inspection report was received. Mr. Kieffer said he read that report either before or after the May 20, 1998, meeting. At the time, he was unfamiliar with the ODWO, the Chlorination Bulletin, the significance of *E. coli*, and the nature of a chlorine residual. He did not ask any questions about the report. Rather, he relied on Stan Koebel to tell the commissioners about any concerns, and Mr. Koebel did not express any concerns about the safety of water.

6.7.2 Richard Field

Richard Field was first elected by acclamation as a commissioner in 1997, and he was acclaimed to serve in that office again after the amalgamation in January 1999. He has lived in Walkerton since 1975. He owned and operated

an appliance store in town from 1975 to 1990 and was active in a number of community organizations. He served as a volunteer firefighter for ten years.

Like Mr. Kieffer, Mr. Field had virtually no knowledge of matters relating to water treatment and water safety. He too relied almost totally on Mr. Koebel in this area. He did not read the ODWO or the utility commissioners' and senior managers' handbook published by the Municipal Electrical Association. He did not know what chlorine residuals or *E. coli* were. He also did not know that training requirements existed for waterworks operators.

Although the fact that Mr. Field was a commissioner for a relatively short time might provide some explanation for his lack of knowledge, it does not explain why he did not read the 1998 MOE inspection report or Mr. Bye's covering letter. He did not ask any questions when that report was presented at the meeting of May 20, 1998, and he, like the other commissioners, did not take any steps to ensure that Mr. Koebel followed up on the concerns raised in the report.

I am satisfied that Mr. Field should have done more to fulfill his role in overseeing the safety of the water, particularly in responding to the MOE's 1998 inspection report.

6.7.3 James Bolden

James Bolden is a former mayor of Walkerton. He was born and raised in Walkerton and worked for Canada Post for 33 years, until 1994. He served on town council from 1972 to 1976 and as reeve from 1977 to 1980. From 1980 to 1984, and again from 1988 until the amalgamation in 1998, he was the mayor of Walkerton. As mayor, he was an *ex officio* commissioner of the PUC.

Mr. Bolden's level of knowledge and his approach to his responsibilities as a commissioner in relation to the operation and safety of waterworks were essentially the same as those of Mr. Kieffer and Mr. Field. After serving for approximately 14 years as a commissioner, he had almost no knowledge of water safety issues and relied entirely on Stan Koebel in this critical area.

Mr. Bolden was a commissioner in May 1998, when the MOE's 1998 inspection report was tabled. He said he found the report's warnings about water quality disturbing but believed that chlorine solved problems relating to the presence of *E. coli*. However, Mr. Bolden did not inquire into why the chlorine

had not worked on the occasions when *E. coli* was detected in the treated water, why the operators had not been monitoring chlorine residuals in the distribution system until recently, and why the other deficiencies noted in the inspection report were occurring. Like the other commissioners, he did nothing to follow up and ensure that Mr. Koebel took the required corrective action.

I am satisfied that the people of Walkerton had a right to expect more of Mr. Bolden, particularly in relation to the 1998 inspection report. He, like Mr. Kieffer and Mr. Field, did not respond adequately to that report.

6.7.4 David Thomson

David Thomson became Brockton's first mayor when the municipal amalgamation took effect on January 1, 1999. He became an *ex officio* commissioner of the Walkerton PUC and held that office at the time of the outbreak in May 2000. Mayor Thomson has had a long career in elected office, dating back to 1966. He grew up on a farm in the former Township of Brant, near Walkerton, and took over the family farm in 1953. He now operates a beef cattle farm with three of his sons. Mayor Thomson understood that, as an *ex officio* commissioner, his role extended beyond financial issues to include responsibilities for protecting the health of local residents. Like the other commissioners, he had little knowledge of the way in which the water treatment facility was operated or of matters relating to water safety. He too relied very heavily on Stan Koebel.

Mayor Thomson was not a commissioner when the MOE's 1998 inspection report was presented to commissioners. After becoming a commissioner, he did not ask to see it. Mayor Thomson was a commissioner for only a short period of time, which gives some explanation for his lack of knowledge and his reliance on Mr. Koebel.

Mayor Thomson should, however, have taken more steps to inform himself about the nature of the operation, especially water safety issues, for which he had responsibility. That said, nothing happened during his tenure that should have alerted him to the operating problems of the waterworks. Moreover, I note that shortly after he became a commissioner, Stan Koebel tabled the letter of January 15, 1999, from Donald Hamilton of the MOE, which said that there had been a noticeable improvement in the performance of the Walkerton PUC.

6.8 Conclusion

The commissioners of the Walkerton PUC had little knowledge of drinking water safety and the operation of a waterworks facility. They relied almost entirely on Stan Koebel. Their shortcomings were most prominent at the time they received the 1998 MOE inspection report. The three commissioners at the time should have done more to inquire into the problems identified and to satisfy themselves that those problems were addressed. If they had succeeded in having Stan Koebel correct the improper chlorination and monitoring practices, while it is by no means a certainty, it is very likely that the scope of the outbreak would have been significantly reduced.