

**FILED**  
FEB 12 2013  
State Grand Jury Judge

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL

State Grand Jury  
Number SGJ632-12-8  
Superior Court  
Docket Number 13-02-00039-S

STATE OF NEW JERSEY                    )  
  )  
  )                    INDICTMENT  
  )  
v.    )  
  )  
HARRY MANSMANN                         )  
  )  
  )                    and  
  )  
  )  
WILLIAM MOWELL                         )

The Grand Jurors of and for the State of New Jersey, upon their oaths, present that:

COUNT ONE

(Conspiracy - Second Degree)

HARRY MANSMANN

and

WILLIAM MOWELL

who are named as defendants herein, and other individuals whose identities are both known and unknown to the Grand Jurors, who are named as co-conspirators, but not as defendants herein, between on or about November 1, 2010, and on or about August 30, 2011, at the City of East Orange and at the Township of Millburn, both in the County of Essex, at the Borough of Florham Park, in the County of Morris, elsewhere, and within the jurisdiction of this Court, with the purpose of promoting or facilitating the

commission of the crimes of Official Misconduct, Pattern of Official Misconduct, violations of the "New Jersey Safe Drinking Water Act," Unlawful Release of a Toxic Pollutant, violations of the "New Jersey Water Pollution Act," and Tampering with Public Records, did agree together that:

A. One or more of them knowingly would engage in conduct which would constitute the aforesaid crimes, or

B. One or more of them would aid in the planning, solicitation or commission of said crimes, that is:

1. Official Misconduct, in that one or more of them, being a public servant, would, acting with purpose to obtain a benefit for himself or another in excess of \$200 or to injure or deprive another of a benefit in excess of \$200, commit an act relating to his office, but constituting an unauthorized exercise of his official functions, knowing that such act was unauthorized or that he committed such an act in an unauthorized manner or would refrain from performing a duty imposed upon him by law or clearly inherent in the nature of his office, contrary to the provisions of N.J.S.A. 2C:30-2;

2. Pattern of Official Misconduct, in that one or more of them, being a public servant, would, acting with purpose to obtain a benefit for himself or another in excess of \$200 or to injure or deprive another of a benefit in excess of \$200, commit two or more acts of Official Misconduct that violate the

provisions of N.J.S.A. 2C:30-2, at least one of which was a crime of the second degree, contrary to the provisions of N.J.S.A. 2C:30-7;

3. Violation of the "New Jersey Safe Drinking Water Act," in that one or more of them would purposely, knowingly, or recklessly submit compliance samples which had not been taken during periods of normal operating conditions, contrary to the provisions of N.J.S.A. 58:12A-10f, N.J.A.C. 7:10-5.1, and 40 C.F.R. 141.24f(3);

4. Violation of the "New Jersey Safe Drinking Water Act," in that one or more of them would purposely, knowingly, or recklessly render inaccurate a monitoring method required to be maintained under the Act, contrary to the provisions of N.J.S.A. 58:12A-10f;

5. Unlawful Release of a Toxic Pollutant, in that one or more of them would, purposely or knowingly, unlawfully cause a release or abandonment of a toxic pollutant without a permit, contrary to the provisions of N.J.S.A. 2C:17-2a(2);

6. Violation of the "New Jersey Water Pollution Control Act," in that one or more of them would purposely, knowingly, or recklessly discharge a pollutant without a valid New Jersey Pollution Discharge Elimination System permit or a valid National Pollution Discharge Elimination System permit, contrary to the provisions of N.J.S.A. 58:10A-10f(2) and N.J.S.A.

58:10A-6; and,

7. Tampering with Public Records or Information, in that one or more of them knowingly would, with purpose to defraud or injure, make a false entry in, or false alteration of, any record, document or thing belonging to, or received or kept by, the government for information or record, or required by law to be kept by others for information of the government, or make, present, offer for filing or use, or cause to be made, presented, offered or used, any record, document or thing knowing it to be false, and with the purpose that it be taken as a genuine part of information or records belonging to, received or kept by, the government for information or record, or required by law to be kept by others for information of the government, contrary to the provisions of N.J.S.A. 2C:28-7a(1) and (2).

All in violation of N.J.S.A. 2C:5-2, N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT TWO

(Official Misconduct - Second Degree)

HARRY MANSMANN

between on or about November 1, 2010, and on or about November 30, 2010, at the City of East Orange and at the Township of Millburn, both in the County of Essex, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said HARRY MANSMANN, acting with the purpose to obtain a benefit for himself, the East Orange Water Commission, or another or to injure or to deprive another of a benefit, did commit an act relating to his office, knowing that such act was unauthorized or that said act was committed in an unauthorized manner or did refrain from performing a duty imposed upon him by law or clearly inherent in the nature of his office, and the said HARRY MANSMANN, then and there being a public servant, to wit: Executive Director of the East Orange Water Commission, having thereby the official functions and duties, among others, to provide direction, leadership and general oversight on the day to day operations and management of the East Orange Water Commission, to ensure the East Orange Water Commission's mission and core values are incorporated into operational activities and services, to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, did

knowingly utilize a compliance sampling and reporting system in a manner designed to evade requirements of the "New Jersey Safe Drinking Water Act" N.J.S.A. 58:12A-1, et. seq., and regulations pursuant to said Act, and to conceal the level of Tetrachloroethene in drinking water supplied by the East Orange Water Commission, by submitting compliance samples not taken during normal operating conditions for November 2010, with the purpose to secure a benefit for the said HARRY MANSMANN, the East Orange Water Commission, or another in excess of \$200 or to injure or to deprive another of a benefit in excess of \$200, contrary to the provisions of N.J.S.A. 2C:30-2 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT THREE

(Official Misconduct - Second Degree)

HARRY MANSMANN

and

WILLIAM MOWELL

between on or about March 1, 2011, and on or about August 30, 2011, at the City of East Orange and at the Township of Millburn, both in the County of Essex, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said HARRY MANSMANN and WILLIAM MOWELL, acting with the purpose to obtain a benefit for HARRY MANSMANN, WILLIAM MOWELL, the East Orange Water Commission, or another or to injure or to deprive another of a benefit, did commit an act relating to one or both of their offices, knowing that such act was unauthorized or that said act was committed in an unauthorized manner or did refrain from performing a duty imposed upon one or both of them by law or clearly inherent in the nature of one or both of their offices, and the said HARRY MANSMANN, then and there being a public servant, to wit: Executive Director of the East Orange Water Commission, having thereby the official functions and duties, among others, to provide direction, leadership and general oversight on the day to day operations and management of the East Orange Water Commission, to ensure the East Orange Water Commission's mission and core values are

incorporated into operational activities and services, to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, and WILLIAM MOWELL, then and there being a public servant, to wit: an engineer for the East Orange Water Commission, having thereby the official functions and duties, among others, to provide professional engineering services to the East Orange Water Commission, to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, and, from March 21, 2011, the Assistant Director-Engineer for the East Orange Water Commission, having thereby the official functions and duties, among others, to provide professional engineering services to the East Orange Water Commission, including evaluating process performance data and alternatives and determining process treatment requirements, to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, did knowingly utilize a compliance sampling and reporting system in a manner designed to evade requirements of the "New Jersey Safe Drinking Water Act" N.J.S.A. 58:12A-1, et. seq., and regulations pursuant to said Act, and to conceal the level of Tetrachloroethene in drinking water supplied by the East Orange Water Commission, by submitting compliance samples not taken



during normal operating conditions in March 2011 and April 2011; and selectively choosing the April compliance sample, thereby rendering the sampling method inaccurate for properly determining the running annual average for Tetrachloroethelene in drinking water supplied by the East Orange Water Commission; and by knowingly making false statements in the Notice of Non-Compliance submitted to the Department of Environmental Protection and publishing the Notice of Non-Compliance containing the false statements to customers of East Orange, with the purpose to secure a benefit for the said HARRY MANSMANN, WILLIAM MOWELL, the East Orange Water Commission, or another in excess of \$200 or to injure or to deprive another of a benefit in excess of \$200, contrary to the provisions of N.J.S.A. 2C:30-2 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT FOUR

(Official Misconduct - Second Degree)

HARRY MANSMANN

and

WILLIAM MOWELL

between on or about March 1, 2011, and on or about August 30, 2011, at the City of East Orange and at the Township of Millburn, both in the County of Essex, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said HARRY MANSMANN and WILLIAM MOWELL, acting with the purpose to obtain a benefit for HARRY MANSMANN WILLIAM MOWELL, the East Orange Water Commission, or another or to injure or to deprive another of a benefit, did knowingly refrain from performing a duty imposed upon one or both of them by law or which is clearly inherent in the nature of one or both of their offices, or did commit an act relating to one or both of their offices knowing that such act was unauthorized or that said act was committed in an unauthorized matter, and the said HARRY MANSMANN, then and there being a public servant, to wit:

Executive Director of the East Orange Water Commission, having thereby the official functions and duties, among others, to provide direction, leadership and general oversight on the day to day operations and management of the East Orange Water Commission, to ensure the East Orange Water Commission's mission

and core values are incorporated into operational activities and services, to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, and WILLIAM MOWELL, then and there being a public servant, to wit: an engineer for the East Orange Water Commission, having thereby the official functions and duties, among others, to provide professional engineering services to the East Orange Water Commission, to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, and, from March 21, 2011, the Assistant Director-Engineer for the East Orange Water Commission, having thereby the official functions and duties, among others, to provide professional engineering services to the East Orange Water Commission, including evaluating process performance data and alternatives and determining process treatment requirements, to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, did knowingly fail to disclose contamination levels in drinking water supplied by the East Orange Water Commission, a duty imposed by the "New Jersey Safe Drinking Water Act" N.J.S.A. 58:12A-1, et. seq., and clearly inherent in the nature of the offices of the said HARRY MANSMANN and WILLIAM MOWELL in that the said HARRY MANSMANN and WILLIAM MOWELL knowingly failed to

disclose the existence of contamination in drinking water supplied by the East Orange Water Commission, with the purpose to secure a benefit for the said HARRY MANSMANN, WILLIAM MOWELL, the East Orange Water Commission, or another in excess of \$200 or to injure or to deprive another of a benefit in excess of \$200, contrary to the provisions of N.J.S.A. 2C:30-2 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT FIVE

(Official Misconduct - Second Degree)

WILLIAM MOWELL

between on or about March 24, 2011, and on or about April 20, 2011, at the City of East Orange, in the County of Essex, at the Borough of Florham Park, in the County of Morris, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said WILLIAM MOWELL, acting with the purpose to obtain a benefit for himself, the East Orange Water Commission or another or to injure or to deprive another of a benefit, did commit an act relating to his office, knowing that such act was unauthorized or that said act was committed in an unauthorized manner or did refrain from performing a duty imposed upon him by law or clearly inherent in the nature of his office, and the said WILLIAM MOWELL, then and there being a public servant, to wit: the Assistant Director-Engineer for the East Orange Water Commission, having thereby the official functions and duties, among others, to provide professional engineering services to the East Orange Water Commission, including evaluating process performance data and alternatives and determining process treatment requirements, to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, did knowingly discharge a pollutant into the waters of the State, or

onto the lands from which it might flow into said waters, without a valid New Jersey Pollution Discharge Elimination System permit or a valid National Pollution Discharge Elimination System permit, with the purpose to secure a benefit for the said WILLIAM MOWELL, the East Orange Water Commission, or another, in excess of \$200 or to injure or to deprive another of a benefit in excess of \$200, contrary to the provisions of N.J.S.A. 2C:30-2 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT SIX

(Pattern of Official Misconduct - Second Degree)

HARRY MANSMANN

between on or about November 1, 2010, and on or about August 30, 2011, at the City of East Orange, and at the Township of Millburn, both in the County of Essex, at the Borough of Florham Park in the County of Morris, elsewhere, and within the jurisdiction of this Court, did commit two or more acts of Official Misconduct, at least one of which was a crime of the second degree, in violation of N.J.S.A. 2C:30-2, that is, the said HARRY MANSMANN, then and there being a public servant, to wit: Executive Director of the East Orange Water Commission, having thereby the official functions and duties, among others, to provide direction, leadership and general oversight on the day to day operations and management of the East Orange Water Commission, to ensure the East Orange Water Commission's mission and core values are incorporated into operational activities and services, to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, did commit two or more acts of Official Misconduct, at least one of which was a crime of the second degree including but not limited to those acts and omissions described in Counts Two, Three and Four, which allegations are incorporated by reference as fully set forth herein, contrary to

the provisions of N.J.S.A. 2C:30-7 and N.J.S.A. 2C:2-6, and  
against the peace of this State, the government and dignity of  
the same.



COUNT SEVEN

(Pattern of Official Misconduct - Second Degree)

WILLIAM MOWELL

between on or about March 1, 2011, and on or about August 30, 2011, at the City of East Orange, and at the Township of Millburn, both in the County of Essex, at the Borough of Florham in the County of Morris, elsewhere, and within the jurisdiction of this Court, did commit two or more acts of Official Misconduct, at least one of which was a crime of the second degree, in violation of N.J.S.A. 2C:30-2, that is, the said WILLIAM MOWELL, then and there being a public servant, to wit: an engineer for the East Orange Water Commission, having thereby the official functions and duties, among others, to provide professional engineering services to the East Orange Water Commission, to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, and, from March 21, 2011, the Assistant Director-Engineer for the East Orange Water Commission, having thereby the official functions and duties, among others, to provide professional engineering services to the East Orange Water Commission, including evaluating process performance data and alternatives and determining process treatment requirements, to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and

to be impervious to corrupting influences, did commit two or more acts of Official Misconduct, at least one of which was a crime of the second degree including, but not limited to those acts and omissions described in Counts Three, Four and Five, contrary to the provisions of N.J.S.A. 2C:30-7 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT EIGHT

(New Jersey Safe Drinking Water Act Violation - Third Degree)

HARRY MANSMANN

between on or about November 1, 2010, and on or about November 30, 2010, at the City of East Orange and at the Township of Millburn, both in the County of Essex, elsewhere, and within the jurisdiction of this Court, did purposely, knowingly, or recklessly violate the "New Jersey Safe Drinking Water Act," N.J.S.A. 58:12A-1, et. seq., by violating a regulation adopted pursuant to said Act requiring sampling "during periods of normal operating conditions (i.e., when water representative of all sources is being used)," that is, the said HARRY MANSMANN did purposely, knowingly, or recklessly submit a compliance sample not taken during normal operating conditions, specifically, a sample taken during a period when a well contaminated with Tetrachloroethelene was not operating, all contrary to the provisions of N.J.S.A. 58:12A-10f, N.J.A.C. 7:10-5.1, 40 C.F.R. 141.24f(3), and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT NINE

(New Jersey Safe Drinking Water Act Violation - Third Degree)

HARRY MANSMANN

and

WILLIAM MOWELL

between on or about March 1, 2011, and on or about March 31, 2011, at the City of East Orange and at the Township of Millburn, both in the County of Essex, elsewhere, and within the jurisdiction of this Court, did purposely, knowingly, or recklessly violate the "New Jersey Safe Drinking Water Act," N.J.S.A. 58:12A-1, et. seq., by violating a regulation adopted pursuant to said Act which requires sampling "during periods of normal operating conditions (i.e., when water representative of all sources is being used)," that is, the said HARRY MANSMANN and WILLIAM MOWELL did purposely, knowingly, or recklessly submit a compliance sample not taken during normal operating conditions, specifically, a sample taken during a period in which wells contaminated with Tetrachloroethelene were not operating, all contrary to the provisions of N.J.S.A. 58:12A-10f, N.J.A.C. 7:10-5.1, 40 C.F.R. 141.24f(3), and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT TEN

(New Jersey Safe Drinking Water Act Violation - Third Degree)

HARRY MANSMANN

and

WILLIAM MOWELL

between on or about April 1, 2011, and on or about June 13, 2011, at the City of East Orange and at the Township of Millburn, both in the County of Essex, elsewhere, and within the jurisdiction of this Court, did purposely, knowingly, or recklessly violate the "New Jersey Safe Drinking Water Act," N.J.S.A. 58:12A-1, et. seq., by violating a regulation adopted pursuant to said Act requiring sampling "during periods of normal operating conditions (i.e., when water representative of all sources is being used)," that is, the said HARRY MANSMANN and WILLIAM MOWELL did purposely, knowingly, or recklessly submit a compliance sample not taken during normal operating conditions, specifically, a sample taken when a well contaminated with Tetrachloroethelene was not operating, all contrary to the provisions of N.J.S.A. 58:12A-10f, N.J.A.C. 7:10-5.1, 40 C.F.R. 141.24f(3), and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT ELEVEN

(New Jersey Safe Drinking Water Act Violation - Third Degree)

HARRY MANSMANN

and

WILLIAM MOWELL

between on or about April 1, 2011, and on or about June 13, 2011, at the City of East Orange, and at the Township of Millburn, both in the County of Essex, elsewhere, and within the jurisdiction of this Court, did purposely, knowingly, or recklessly render inaccurate any monitoring device or method required to be maintained pursuant to the provisions of the "New Jersey Safe Drinking Water Act," N.J.S.A. 58:12A-1, et. seq., that is, the said HARRY MANSMANN and WILLIAM MOWELL did purposely, knowingly, or recklessly selectively choose the April compliance sample, thereby rendering the sampling method inaccurate for properly determining the running annual average for Tetrachloroethelene in drinking water supplied by the East Orange Water Commission, all contrary to the provisions of N.J.S.A. 58:12A-10f, and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT TWELVE

(Unlawful Release of a Toxic Pollutant - Second Degree)

HARRY MANSMANN

and

WILLIAM MOWELL

between on or about March 24, 2011, and on or about April 20, 2011, at the Borough of Florham Park, in the County of Morris, elsewhere, and within the jurisdiction of this Court, did purposely or knowingly, unlawfully cause a release of a toxic pollutant, that is, HARRY MANSMANN and WILLIAM MOWELL did purposely or knowingly cause a release of water containing Tetrachloroethene, also known as Tetrachloroethylene, from a well designated Braidburn 2, contrary to the provisions of N.J.S.A. 2C:17-2a(2) and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT THIRTEEN

(New Jersey Water Pollution Control Act

Violation - Third Degree)

HARRY MANSMANN

and

WILLIAM MOWELL

between on or about March 24, 2011, and on or about April 20, 2011, at the Borough of Florham Park, in the County of Morris, elsewhere, and within the jurisdiction of this Court, did purposely, knowingly, or recklessly violate the "New Jersey Water Pollution Act," N.J.S.A. 58:10A-1, et. seq., by discharging a pollutant without a valid New Jersey Pollution Discharge Elimination System permit or a valid National Pollution Discharge Elimination System permit, in that HARRY MANSMANN and WILLIAM MOWELL did discharge Tetrachloroethene, also known as Tetrachloroethylene, into the waters of the State, or onto the lands from which it might flow into said waters, without a valid New Jersey or National Pollution Discharge Elimination System permit, contrary to the provisions of N.J.S.A. 58:10A-10f(2), N.J.S.A. 58:10A-6 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.



COUNT FOURTEEN

(Tampering With Public Records or Information - Third Degree)

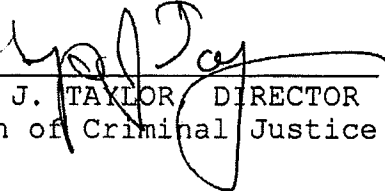
HARRY MANSMANN

and

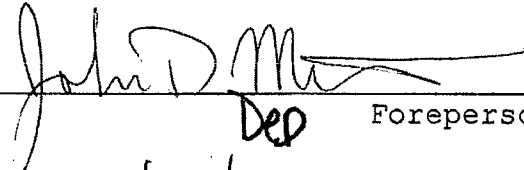
WILLIAM MOWELL

On or about July 19, 2011, at the City of East Orange, in the County of Essex, elsewhere, and within the jurisdiction of this Court, did knowingly make a false entry in any record, document or thing belonging to, or received by, the government for information or record, or make, present, offer for filing or use any record, document, or thing knowing it to be false, and with the purpose that it be taken as a genuine part of information or records belonging to, received or kept by, the government for information or record, with a purpose to defraud or injure, in that, the said HARRY MANSMANN and WILLIAM MOWELL did knowingly submit a public notification, that is, a Notice of Non-Compliance, as required by 40 C.F.R. 141.31d, and N.J.A.C. 7:10-5.1, to the New Jersey Department of Environmental Protection, which contained false statements regarding the results of analysis for volatile organic compounds in drinking water supplied by the East Orange Water Commission and the actions taken by the East Orange Water Commission, contrary to the provisions of N.J.S.A. 2C:28-7a(1) and (2) and N.J.S.A. 2C:2-6,

and against the peace of this State, the government and dignity of the same.

  
STEPHEN J. TAYLOR, DIRECTOR  
Division of Criminal Justice

A TRUE BILL:

  
\_\_\_\_\_  
Dep Foreperson

Dated: 2/12/13

**FILED**  
1/12/2013  
State Grand Jury Judge

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL

State Grand Jury  
Number SGJ632-12-8  
Superior Court  
Docket Number 13-02-00039-S

STATE OF NEW JERSEY )  
v. )  
HARRY MANSMANN )  
and )  
WILLIAM MOWELL )

ORDER OF VENUE

An Indictment having been returned to this Court by the State Grand Jury in the above captioned matter,

IT IS ORDERED on this *12<sup>th</sup>* day of *February*, 2013, pursuant to paragraph 8 of the State Grand Jury Act, that the County of Essex be and hereby is designated as the County of venue for the purpose of trial.

IT IS FURTHER ORDERED that the Clerk of the Superior Court shall transmit forthwith the Indictment in this matter and a certified copy of this Order to the Criminal Division Manager of the County of Essex for filing.

*Mary C. Jacobson, A.J.S.C.*  
Mary C. Jacobson, A.J.S.C.