

222.90. CONTAMINATING A PUBLIC WATER SYSTEM. FELONY.

The defendant has been charged with contaminating a public water system.

For you to find the defendant guilty of contaminating a public water system, the State must prove three things beyond a reasonable doubt.

First, that the defendant [[contaminated] [adulterated] [otherwise impurified]] [attempted to [contaminate] [adulterate] [otherwise impurify]] the water in a public water system.¹

Second, that the defendant did so with any [toxic chemical] [biological agent] [radiological substance] harmful to human health.²

And Third, that the defendant acted knowingly and willfully.³ Willfully means intentionally and without justification or excuse.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly and willfully [[contaminated] [adulterated] [otherwise impurified]] [attempted to [contaminate] [adulterate] [otherwise impurify]] the water in a public water system with any [toxic chemical] [biological agent] [radiological substance] harmful to human health, it would be your duty to return a verdict of guilty. If you do not so find or have reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. For a definition of public water system, see N.C. Gen. Stat. § 130A-313(10).

2. Any toxic chemical, biological agent, or radiological substance added in approved concentrations for water treatment operations does not satisfy the second element.

3. Work or activity that is performed at or on a public water system or wastewater treatment facility by the owner or operator of the facility, or an agent of the owner or operator authorized to perform such work or activity by the owner or operator does not meet the criteria of knowingly or willfully committing the offense. See N.C. Gen. Stat. § 14-159.1(h).