

Former worker's lawsuit adds to Ross Valley Sanitary District's troubles

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A former Ross Valley Sanitary District employee is suing the district alleging that he was wrongfully dismissed from his job because he informed government authorities of the cause of two large sewage spills in December 2010, which released more than 2.6 million gallons of waste.

The suit is just the latest challenge for the district which is struggling to cope with an edict from the Regional Water Quality Control Board to boost spending on pipeline repairs, dealing with the loss of its general manager who is under felony investigation by the Marin County District Attorney and trying to recover a \$350,000 housing loan it paid to its former manager.

The plaintiff, Joseph Cimino, also alleges that his name was on a "hit list" of district employees that board member Patrick Guasco wanted terminated after Guasco, then a former district employee, was elected to the board in 2006.

"These are allegations. That's all they are," Guasco said. "I really have no comment in regard to all that stuff."

Jolie Houston, the district's attorney, declined to comment.

After he was dismissed in 2005, Guasco sued the district for creating a hostile work environment. He received a \$275,000 settlement from the district. According to Cimino's suit, Guasco bore a grudge against Cimino because he provided "testimony adverse to Mr. Guasco," in that suit.

Cimino, who began working for the district in 1994, alleges that after district manger Barry Hogue was terminated and replaced by Brett Richards in 2008, he was "subjected to repeated harassment, false accusations and citations for insignificant infractions."

Cimino says that in 2010 when the district was preparing to shut down the Kentfield pump station for repairs, he warned that there was insufficient time to complete the project before the rainy season and suggested the project be postponed. The suit states that the district nevertheless went ahead with the project and while the pump station was off-line, a rain storm caused a sewage overflow of approximately 800,000 gallons, on Dec. 17, 2010 and a second overflow of about 1.8 million gallons on Dec. 21.

According to the suit, "Mr. Richards, knowing he was at fault for the overflow, began a campaign to shift blame away from himself. He denied that the overflow had anything to do with the pump station being off-line, and stated that it was an act of environmental terrorism or contractor negligence by JMB Construction."

Richards could not be reached for comment as his whereabouts are unknown. Richards resigned in July after questions were raised regarding whether he had used as intended a \$350,000 loan from the district to purchase housing. Richard missed the deadline for returning the money last week and he is being investigated by District Attorney Edward Berberian for possible misappropriation of public funds, which is a felony punishable by imprisonment.

On Dec. 27, the Marin Independent Journal published a story reporting that district employees had criticized the district's decision to shut down the Kentfield pump station to make repairs to the pipeline during the rainy season when the pipes are under the greatest stress.

According to Cimino's suit, seven days later on Jan. 3, 2011 the district placed Cimino on administrative leave "in retaliation for his comments about the cause of the sewage overflows."

Cimino says he was contacted by an Environmental Protection Agency investigator two days after that and he told the investigator that the Kentfield pump station had been off-line in December 2010 and was the cause of the sewage overflows. Cimino says in February he supplied the same information to an investigator with the state Regional Water Quality Control Board.

In April 2012, the district agreed to pay more than \$1.5 million as part of a settlement agreement with that Regional Water Quality Control Board for the sewage spills in December 2010. The water quality control board's report on the spills said the likely causes were the shutdown of the Kentfield pump station, insufficient wet-weather capacity of the collection system and debris blockage.

Cimino's suit states the district returned him to work on July 6, 2011 without informing him "what he did wrong that would justify a six month suspension." It also alleges that Cimino was "again subjected to harassment and false accusations. He was given menial tasks to perform, many of his job responsibilities were taken away, and he was treated differently than the other employees who had not voiced concern about the district's unlawful activities."

Then on Jan. 27, 2012, the district terminated Cimino's employment. The suit states, "The primary reason listed for his termination was his involvement in the December 2010 sewage overflows."

Cimino is seeking an unspecified amount to compensate him for back and future pay, plus all fringe benefits; compensatory damages for physical and mental suffering; and attorney's fees.

Contact Richard Halstead via e-mail at rhalstead@marinij.com