

# Darlington pair sentenced after major diesel fire leads to evacuation of homes

In a case prosecuted by the Environment Agency at Peterlee Magistrates Court on 10 May 2022, Malcolm Smith (68) of Norwich Grove, Darlington received a 23-week suspended sentence. His daughter, Lisa Palmer (38) of Eggleston View, Darlington, received a suspended sentence of 18 weeks. Both were each fined £500 and ordered to pay a £128 victim surcharge.

Magistrates found both to have acted recklessly and were wilfully blind to the risk of what could happen when storing such large quantities of oil in close proximity to residential property.

On Thursday 14 June 2018 County Durham & Darlington Fire & Rescue Service attended a fire at the Ramshaw Storage removals firm on Swan Street, Evenwood, following a report of a small amount of rubbish on fire in a metal container.

Upon arrival, the fire service was presented with a significant blaze within one of a number of steel shipping containers stored on site. They were told these containers only held furniture from removals. However, it quickly became apparent that shipping containers were actually being used to illegally store approximately 50,000 litres of diesel.

On the day of the fire a significant number of properties surrounding the commercial site were evacuated. Most households were allowed to return to their homes the following day but seven properties on Newholme Crescent remained unoccupied for six months due to diesel contamination, odour, and firewater run-off.

Black smoke from the fire could be seen for miles, a strong smell of oil persisted for several days and asbestos from a building at the yard was found in the adjoining gardens. Contaminated soil to a depth of one metre had to be removed from the affected gardens to make them safe and the ground floor of the properties had to be stripped away to enable diesel to be pumped from under the floorboards.

Investigations found the incident had caused significant levels of hydrocarbon pollution to land and groundwater, and huge volumes of oil had entered the sewerage network. This meant Northumbrian Water had to undertake a massive operation to make sure the local water supply was safe. They recovered 18,000 litres of oil and 7.2 million litres of oil contaminated effluent from the local sewage treatment plant, which was transported away for recycling. The filters were re-seeded and flushed with at least £66,000 spent on tankers, disposal and staff overtime. They also replaced the water supply pipework as a precaution.

Malcolm Smith and Lisa Palmer admitted failing to comply with the Control of Pollution (Oil Storage) Regulations 2001, which set out how diesel must be stored to prevent the risk of harm to people and the environment.

They also admitted responsibility for causing groundwater pollution, as a result of the illegally stored diesel escaping and polluting the environment.

Lisa Palmer additionally admitted a third charge related to illegal waste burning, which sparked the major fire.

A third family member who denied the charges, was acquitted after the court found that they had not had any custody or control over the stored diesel.

A spokesperson for the Environment Agency said:

Businesses must take their environmental responsibilities seriously. We welcome this judgement and hope that it sends out a strong message to others that they will be held to account if they fail to meet their environmental obligations. Thanks to the swift response from the various agencies who attended the incident, even more widespread damage to property and river pollution was averted.

We will continue to collaborate with businesses to help them to make the best choices for water quality, but anyone caught breaching environmental laws faces enforcement action, up to and including prosecution.