

SUMMARY PROOF OF EVIDENCE

OF

JAMES PEARSON MCIWM

FOR

THE ENVIRONMENT AGENCY

REGARDING AN APPEAL BY NICK BROOKES

**AGAINST THE ISSUE OF AN ENFORCEMENT NOTICE UNDER REGULATION 36 OF
THE ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2016**

PINS APPEAL REFERENCE NUMBER: APP/EPR/684 (ENV/3353252)

1. I am Senior Advisor in the National Hazardous Waste Compliance and Misdescription Team, a role that I have held since 2018.
2. My evidence is intended to assist the Inspector with information about the background to the Environment Agency's regulation of 'trommel fines' and the associated risks.
3. Trommel fines are fine fractions of waste that are produced as part of a mechanical treatment process. Trommel fines that are produced from mixed waste are given List of Waste (LoW) code 19 12 11*/19 12 12 due to their uncertain contents.
4. An Environment Agency investigation found that trommel fines are a highly variable waste stream and can contain a range of hazardous substances such as oil, asbestos and heavy metals. These substances are linked to a range of hazardous properties, such as carcinogenic and ecotoxic. Representative sampling and chemical analysis is therefore required to ensure that any hazardous properties are identified and the waste is managed appropriately.
5. In order to classify trommel fines, a hazardous property assessment is required to determine if the waste is hazardous or non-hazardous. In the absence of such an assessment trommel fines should be presumed to be hazardous waste on a precautionary basis.
6. The Hazardous Waste (England and Wales) Regulations 2005 also prohibit the mixing of hazardous waste with non-hazardous waste, or any other substance or material.
7. The majority of trommel fines are sent to landfill because they are difficult to recycle further. This is because they are the granular fraction of the waste inputs, often comprising a fine mixture of soil, plastic, paper, metal and wood. Producers of trommel fines have to carry out regular testing of their fines to ensure they are being sent to a suitably authorised waste facility.

14 October 2025