

# Clean Cellulosic Biomass/Non-Hazardous Secondary Materials Determination: U.S. Environmental Protection Agency Issues Fact Sheet



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The United States Environmental Protection Agency (“EPA”) issued a September 2024 document titled: *Fact Sheet on Clean Cellulosic Biomass and Non-Hazardous Secondary Materials Determinations (“Fact Sheet”)*.

EPA notes that the document does not:

...have the force and effect of law and are not meant to bind the public in any way.

The Fact Sheet describes what EPA considers “clean cellulosic biomass”. This material is stated to consist of:

...residuals that are equivalent to traditional cellulosic biomass (i.e., harvested, plant-derived organic matter).

Such material is stated to be clean when it contains contaminants at concentration levels no higher than those normally associate with virgin biomass material. See for reference 40 C.F.R. 241.2.

Cellulosic biomass is typically described as a renewable organic material that can be used to produce biofuels, chemicals, and other materials. . They are typically sourced from non-food crops or agricultural residues as opposed to first-generation biofuels. Examples might include wood, grasses, non-edible parts of plants, aquatic plants, and municipal waste.

Advantages of this material is its abundance, can be grown quickly, and replenished in poor soil.

An environmental benefit of cellulosic biomass biofuels is their potential to reduce greenhouse gas emissions because their production and combustion can release fewer carbon dioxide emissions. Further, using agriculture and forestry residues in this manner can help reduce the amount of organic waste that would otherwise decompose or have to be incinerated.

The EPA Fact Sheet lists as examples of this material as including (but not limited to):

- Agricultural and forest-derived biomass.
- Urban wood.
- Corn stover and other biomass crops used specifically for the production of cellulosic biofuels.
- Bagasse and other crop residues.

- Wood collected from forest fire clearance activities, trees and clean wood found in disaster debris, clean biomass from land clearing operations, and clean construction and demolition wood.

The EPA Fact Sheet addresses the following questions:

- Are units that combust clean cellulosic biomass as fuel regulated as solid waste incinerators under the Clean Air Act? (stating they are considered equivalent to traditional fuels [i.e., not a secondary material or a solid waste when burned as fuels, unless discarded]).
- What does “unless discarded” mean in the context of clean cellulosic biomass? (cellulosic biomass that is managed separately from solid waste and is going to be burned for energy recovery would not be considered discarded, but such material that has been mixed with solid waste that has been disposed [buried in a landfill] would be considered discarded).
- How does construction and demolition debris relate to the definition of clean cellulosic biomass? (notes that while clean construction and demolition wood is an example of clean cellulosic biomass, construction and demolition debris, which consist of a mixture of material resulting from construction and demolition debris is not).
- What is the status of biomass that has been combined with municipal solid waste? (biomass that is combined with municipal solid waste or other types of solid waste has been discarded).
- What is the status of clean cellulosic biomass that is processed to make biochar? (clean cellulosic biomass that is processed to make a biochar product using pyrolysis or a similar process would not be considered discarded and would not be a secondary material or a solid waste for purposes of the Clean Air Act).
- What is the status of biomass that does not meet the definition of “clean cellulosic biomass”? (biomass that is not “clean cellulosic biomass” [such as treated wood] is a solid waste when combusted as fuel, unless it has been sufficiently processed and meets the legitimacy criteria for non-waste fuel in 40 C.F.R. Section 241.3(d)(1) or meets one of the categorical non-waste fuel listings in 40 C.F.R. Section 241.4).

A copy of the Fact Sheet can be downloaded [here](#).