

Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Lansing, Michigan Graphene Flake Manufacturer Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and XG Sciences, Inc. (“XG”) entered into an August 1st Consent Agreement and Final Order (“CAFO”) addressing alleged violations of the Michigan Hazardous Waste Regulations. See Docket No. RCRA-05-2022-0013.

XG operates a graphene flake manufacturing facility (“Facility”) in Lansing, Michigan.

The CAFO provides that XG is an “owner” or “operator” as those terms are defined under 40 C.F.R. § 260.10. Further, the XG Facility is stated to have caused the production of hazardous waste as defined at 40 C.F.R. § 260.10. In addition, the Facility is stated to be a “generator” of hazardous waste as defined under 40 C.F.R. § 260.10.

The XG Facility is stated to have generated 1,000 kilograms or greater of hazardous waste since at least 2017, therefore qualifying it as a Resource Conservation and Recovery Act large quantity generator.

The CAFO alleges the following violations:

- From at least 2017 until the present, XG did not submit a notification of the change of the Facility's type of hazardous waste activity to large quantity generator status in relevant months, in violation of Section 3010(a) of RCRA.
- In 2020 XG did not prepare and submit a biennial report to Michigan Department of Environment, Great Lakes and Energy by March 1 for the preceding calendar year.

The CAFO requires that XG file with the Michigan Department of Environment, Great Lakes and Energy an updated notification of RCRA Subtitle C activities (e.g., Site Identification Form 8700-12), including the types of wastes handled and the type of hazardous waste activity (e.g., change to large quantity generator status). Further, XG is required to file with the Michigan Department of Environment, Great Lakes and Energy biennial hazardous waste reports covering the years 2017 and 2019.

A civil penalty of \$22,944 is assessed.

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