



Sent via email: By email at jbland@mdeq.ms.gov and jwhitlock@mdeq.ms.gov

March 8, 2026

Mr. Jeffrey Bland
Mr. Jaricus Whitlock, P.E.
Mississippi Department of Environmental Quality
P.O. Box 2261
Jackson, MS 39225

Re: Mississippi State Conference of the NAACP and NAACP National Office Letter of Protest regarding Election Day Hearing for Final Decision on Draft Clean Air Act Prevention of Significant Deterioration Construction Permit (Air Ref. No. 0680-00119) for MZX Tech, LLC and xAI

Dear Mr. Bland and Mr. Whitlock:

On behalf of the Mississippi State Conference of the NAACP and the national NAACP, we are concerned regarding the Mississippi Department of Environmental Quality's (MDEQ) decision to hold a "public hearing" on Election Day for Mississippians. The Election Day Hearing regarding xAI and MZX Tech's permit will be held in Jackson, Mississippi, a majority Black capital and city within the state. MDEQ sent an email on March 5, 2026, for the hearing on March 10, 2026, for "proposed Prevention of Significant Deterioration (PSD) air permitting action requested by MZX Tech, LLC to the Permit Board for a final decision" (Air Ref. No. 0680-00119) without any additional commentary regarding how it viewed the hundreds of public comments it received several weeks ago.

On Saturday, March 7, 2026, MDEQ shared, for the first time, documentation of its response to the public's comments, which is supposed to inform its hearing less than 48 business hours after sending this information to the NAACP and other community advocates. In addition to the unnecessary expedited timeline for this Election Day hearing, the MZX Tech and xAI data center is located near Black communities. Propping a public hearing nearly three driving hours from the site of the facility puts an undue financial burden on Black DeSoto County residents who would need to travel to Jackson, Mississippi on Election Day for this hearing. While we agree that the airshed for MZX Tech and xAI's pollution is broad for this facility, having an election day hearing in Hinds County while the permit is for a facility in DeSoto County was an intentional choice or at least a grave oversight by MDEQ. It's also one we hope is corrected immediately.

The NAACP has engaged in statewide get out the vote and election protection efforts across Mississippi as it is a known core component of its work for primary and general elections in the State and across the country. The State will hold federal primary elections for the U.S. Senate and House seats

that will ultimately shape residents' voice for many issues, including environmental and climate justice issues for all Mississippians. Because of the broad implications of this issue, many of the NAACP members who may want to attend the hearing are likely NAACP members in Hinds County, DeSoto County, and neighboring communities. MS NAACP's members include Black citizens who are registered to vote in DeSoto County as well as residents in Jackson, Mississippi. As highlighted above, anyone who may travel from DeSoto County will have to spend hours during election day traveling instead of voting or participating in get out the vote work on an election day.

This is not only a civic duty conundrum, but an unnecessary financial burden to Black residents and individuals who live in low-income and other communities near the facility. MDEQ is inevitably already making a choice as to who should be able to participate in a public hearing that is supposed to be accessible to all residents by forcing people to spend money on transportation, potentially childcare, and other accommodations to make it to Jackson, MS, if they are not nearby. Thus, the decision to make NAACP members and other residents choose between their health and financial obligations, in speaking during the workday against permitting xAI' and MZX Tech's data center or potentially using that time to vote could deny Black Mississippians full and fair opportunity to participate in the political process.

Mississippi has the largest Black population percentage of any state in the nation. Jackson, particularly, has a large population of Black residents and a history of inequitable distribution of funding regarding environmental and climate justice issues. This includes how MDEQ failed to consider ways to help residents during the peak of the Jackson water crisis. DeSoto County has a history of Black voter dilution. Taking this in context with Mississippi's legacy of racial discrimination against Black people as a whole, we are concerned regarding the intentional decision to rush a meeting that is supposed to allow for public comment only three business days after the NAACP received notice of the meeting altogether.

MDEQ should have included an alternative time that (1) allows for people to prepare for such an important meeting and (2) does not force people to choose between their health and financial obligations, and all issues encompassed in voting during elections this midterm year. There is absolutely no reason to rush this decision at a time when over 200 residents showed up several weeks ago, on February 17, 2026, to say they did not want xAI and MZX Tech to operate in Southaven. Not one person spoke in favor of permitting the data center.

Timeline of rushed public engagement regarding xAI in Mississippi

Despite xAI and MZX Tech already operating turbines with absolutely no permit, the draft permit and supporting documentation was released for public comment on January 16, 2026. A public hearing was scheduled for February 17, 2026, with the comment period set to close the same day. On February 2, 2026, local, regional, and national civil rights, environmental, and environmental justice groups asked for an extension of the public comment period for the construction permit given the extenuating circumstances on communities at that time. The letter referenced that beginning on January 21, 2026, less than one week after the public comment period opened, Winter Storm Fern wreaked havoc on the communities affected by the MZX Tech, LLC facility. Road conditions became icy, causing schools to be closed for at least one week (Both De Soto County Schools and Memphis and Shelby County schools remain closed on Monday, February 2nd). Community members were focused on

safety, and this timeline forced residents to review hundreds of pages of technical material at that time. MDEQ refused any extension of the construction permit timeline.

Despite these tenuous circumstances, because of the importance of this issue, hundreds of people still attended the February 17, 2026, meeting. With a unified front, residents demanded a denial of MZX Tech, LLC and xAI's permit. MDEQ also received numerous written public comments that shared similar sentiments with scientific reports, community perspectives, social justice and civil rights concerns, and environmental and climate issues. Nevertheless, on March 5, 2026, in the wee hours of the morning, some residents received notification that there would be a hearing less than one week later for a final decision. Even though the "notification" of this election day hearing shared that there should be new comments considered, there was no additional information that shared MDEQ's response to the numerous comments until Saturday, March 7, 2026, after business hours and on the weekend before the election day hearing.

Thus, MDEQ only gave one full business day to review the comments before the election day hearing. This is also prime get out the vote time for civil rights and social justice organizations and advocates, like the NAACP. Taken together, we are concerned regarding MDEQ's motivation, especially when reviewing the history of racial discrimination in DeSoto County and Hinds County. This election day hearing could have been the following week or several weeks later altogether, and in a place more accessible to residents in DeSoto County.

History of racial discrimination in DeSoto County and Hinds County, Mississippi

In places like DeSoto County, race was used as a predominant factor in situations where Section 2 of the Voting Rights Act was not required for compliance that ultimately diminished Black Mississippians' true voting strength. The NAACP has challenged this manipulation of Black voters' political strength in Mississippi as an ongoing concern for our membership. In those challenges, the MS NAACP highlighted that there was vote dilution in DeSoto County.

Moreover, we have alleged that for years, the State of Mississippi, its agencies, instrumentalities, and officials, including MDEQ, have discriminated on the basis of race against the City of Jackson, Mississippi ("Jackson") and its majority-Black population by diverting federal funds awarded to ensure safe drinking water and unpolluted surface waters and groundwater. These decisions ultimately led to the City not having drinkable water, public health concerns, and closures of businesses due to decisions made by state officials and agencies.

As highlighted in the NAACP's Jackson Water Crisis administrative civil rights complaint, the discrimination was evident in how the State repeatedly deprived Jackson of federal funds to maintain its public drinking water system in favor of funding smaller, majority-white communities with less acute needs, despite the fact that Jackson is Mississippi's most populous city, with a demonstrated need for improvements to water infrastructure. Those decisions led to unsafe and unreliable drinking water and massive gaps in the access to safe drinking water that were intolerable in any modern society. After the NAACP filed its complaint, the EPA's Office of Inspector General's office found that the State could and should have done more to prevent the Jackson Water Crisis from reaching that peak. Thus, in addition to the DeSoto County and surrounding community residents who face undue financial and civic duty hardship in attending this election day hearing, the Jackson residents are uniquely aware of the

importance of making their voices heard with state agencies for environmental and climate decisions based on the deprivation of state help at a peak of a water crisis in their city. This is where MDEQ chose to hold this election day hearing – a place where a broadened number of Mississippi residents will be forced to face an unnecessary conundrum due to this rushed timeline.

Holding an Election Day hearing on data centers in unconscionable

Repeating the failures of the past by making NAACP residents in Jackson who want to speak about environmental and climate justice issues and the even further away residents in DeSoto County and surrounding areas choose whether to participate in voting on election day or speak about data center concerns in Jackson, MS, is a horrible and unnecessary predicament created solely by MDEQ at the request of MZX Tech and xAI. In addition to the outlined financial burden placed on DeSoto County and surrounding community members, it is during the work day and school day for everyone, and can limit fair and full participation in voting. If people have one hour on election day to vote, holding this “public” xAI and MZX Tech data center hearing during the workday and school day at 9am can limit civic engagement. In the past, youth have also shared their disdain for xAI and MZX Tech’s operations. This is a school day during school hours. How does MDEQ expect for all interested residents to participate? Rushing a data center permitting decision that seems to inevitably silence voters and residents is extremely problematic.

The State should be encouraging full and fair participation of elections across the state. How can a state agency not only greenlight, but encourage, people to have to choose between their health, financial and other obligations, and participating in their civic duty? MDEQ has the opportunity to consider the optics as well as legal and policy concerns of this decision. Indeed, MDEQ has rushed this decision so much that it is sending key documents on the weekend before the meeting with less than two full business days to review the material and engage on Tuesday morning.

We demand that MDEQ move this hearing to at least the following week, if not further out, to allow for residents and community members to fully participate in this hearing and to a place that is accessible to DeSoto County residents. We further demand that MDEQ offer actual reasonable notice and times for this hearing moving forward as well. Our cursory review of MDEQ’s responses to the comments demonstrates that MDEQ’s response to community needs demands further review and consideration, thus everyone can likely benefit from a more reasonable timeline. MDEQ has been put on notice that this is a topic that draws hundreds of people to share their concerns. Why offer election day as the day to offer a potential final ruling? Given the time sensitive nature of this request, we are requesting a response by noon Monday, March 9, 2026.

Sincerely,

Charles Taylor
Executive Director
Mississippi State Conference NAACP

Dr. Robert James
President
Mississippi State Conference NAACP

Abre’ Conner
Director, Center for Environmental and Climate Justice
NAACP

Carroll Rhodes
Counsel
Mississippi State Conference and National NAACP