



Sent via Online Submission: By email at jblant@mdeq.ms.gov

February 17, 2026

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

Re: NAACP Comment 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:

The NAACP Center for Environmental and Climate Justice submits this letter in strong opposition to the proposed construction permit for the MZX Tech LLC and xAI facility at 2875 Stanton Road in Southaven, Mississippi, and urges the Mississippi Department of Environmental Quality (MDEQ) Permit Board to deny the draft permit. The NAACP is the nation's oldest and largest civil rights organization and has long recognized environmental and climate justice as critical to the protection of civil rights. Through its national advocacy and its state and local branches, including those in Mississippi, the NAACP has worked to challenge the disproportionate siting of polluting facilities in Black communities and other overburdened areas, and to secure meaningful protections for clean air, clean water, and public health across the state and nationally. Despite these efforts, Mississippi's permitting decisions have too often imposed environmental burdens on its most vulnerable residents. Approval of this permit would further this pattern by prioritizing development over the health, safety, and civil rights of affected communities.

The draft permit would authorize MZX Tech, an affiliate of Elon Musk's xAI, to construct and operate 41 methane gas-fired turbines totaling approximately 1,200 megawatts of generating capacity to power the xAI "Colossus 2" artificial intelligence data center across the Tennessee border in the Whitehaven neighborhood of Memphis. Together, these turbines would be capable of generating enough electricity to power a mid-sized city. Yet the communities expected to absorb the air pollution generated by this facility are not the beneficiaries of the project. Instead, residents of Southaven and Memphis, who share a common air shed, would shoulder the environmental and public health burdens of a massive power plant, that utilizes public resources, designed to serve a private data center.

The harms associated with this project are foreseeable. In addition to the lived experiences of Memphis residents who organized and pushed back for over a year due to turbine operations, after getting a glimpse of the unpermitted yet already operating data center, DeSoto County residents have

raised similar concerns regarding air pollution. Operation of the turbines would result in increased emissions of nitrogen oxides, particulate matter, and other hazardous air pollutants known to exacerbate cardiovascular disease, asthma, and other respiratory conditions. These health impacts will disproportionately affect Black communities in DeSoto County and the greater Memphis area, where baseline health disparities already exist.¹ Despite these risks, the draft permit fails to provide complete and accurate information regarding the project site's operations and air emissions. This Board's obligation is to review a comprehensive take on xAI's operations, which seems to be lacking here. Indeed, the public hearing is supposed to be informed by that level of transparency to highlight their concerns further. Communities are entitled to full transparency concerning the nature and scope of this project. Without complete and accurate information, MDEQ cannot expect the public to meaningfully evaluate the risks, and the Permit Board cannot reasonably conclude that the project complies with applicable air quality standards.

Beyond the substantive air quality concerns, the permitting process itself reflects a concerning pattern of procedural disregard for affected communities. DeSoto County residents and communities who share the impacts of industrial pollution, like Memphis, have highlighted that these decisions cannot be made in a vacuum. They have articulated concrete concerns regarding cumulative air pollution, public health impacts, and regulatory transparency. Yet too often, decisions have proceeded without meaningful engagement or adequate responsiveness to those concerns. Moreover, many advocates in the region have asked for an extension to ensure the public could participate. The Board denied those requests, however, we are hopeful that the Board recognizes the balance on the side of protecting public health, which by virtue of reviewing construction and operation of air emissions, is within its mission for any next steps. A permitting process that does not fully account for community input or provide complete and accurate information undermines the participatory protections embedded in federal and state environmental law.

Where a state fails to meaningfully respect procedural safeguards, it creates conditions that allow developers to proceed with that same lack of regard for the procedural protections designed to safeguard public health and community participation. That concern is present here. The draft Permit fails to disclose that MZX Tech has *already* installed 27 so-called “temporary” turbines at the Site—without any permit and in disregard of federal requirements. EPA recently confirmed the long-standing requirement that “temporary” turbines require preconstruction permits under the federal Clean Air Act. The Clean Air Act was enacted to address the public health risks posed by industrialization, which, in the absence of regulation, significantly increased the public’s exposure to harmful air pollutants.² Since its enactment, the Act has played a critical role in reducing air pollution and protecting public health, particularly in communities already burdened by high pollution levels, by imposing heightened requirements on areas designated as “nonattainment.”³ Many of the MZX Tech and xAI’s turbines have

¹ Health Planning Council of Southwest Florida, *DeSoto County, FL Health Profile 2025* (2025), <https://hpcswf.com/wp-content/uploads/2025/05/DeSoto-County-Health-Profile-2025.pdf>; Shelby County Health Dept., *Shelby County Health Department E-Newsletter April 2024* (April 2024), <https://www.shelbytnhealth.com/CivicSend/ViewMessage/message/227878>.

² U.S. Env’t Prot. Agency, *Evolution of the Clean Air Act*, <https://www.epa.gov/clean-air-act-overview/evolution-clean-air-act>

³ *Id.*

been operating for months without authorization. Yet the draft Permit makes no attempt to account for the 27 unpermitted turbines, neither including them in the emissions estimates for the Site nor requiring the best available pollution control technology for them. The failure of the draft Permit to include at least 27 emissions units at the site renders it deficient and makes it impossible for the community to understand the full scale of the site's impact on air quality and public health.

Installing and operating simple cycle combustion turbines before receiving permit approval demonstrates a complete disregard for the procedural safeguards that are intended to govern projects of this scale. Preconstruction permitting under the Clean Air Act is a mandatory prerequisite designed to ensure that emissions are evaluated and controlled *before* they occur, not after communities are already exposed. Yet here, turbines were installed and reportedly operated in advance of any permit approval. In a letter to MZX Tech, MDEQ "implored" the company to install pollution controls because of air quality concerns in DeSoto County. This posture is deeply concerning. The agency charged with enforcing environmental standards appears to be urging voluntary compliance rather than exercising its full regulatory authority.

The present moment provides an opportunity for the Permit Board to restore integrity to the permitting process. The Board should exercise its authority to: (1) order MZX Tech and xAI to cease operating the 27 unpermitted turbines until it obtains a permit for them; (2) withdraw the current draft Permit; and (3) require that any revised permit application include *all* turbines at the project site before seeking public comment. Only then can the community meaningfully evaluate the full scope of the project, and the Board determine whether it complies with applicable air quality requirements.

The draft permit further fails because even for the 41 turbines the Permit proposes to authorize, the permit does not accurately characterize air pollution and require adequate protections. Among other things, the draft Permit downplays the ongoing violation of the minimum federal ozone standard in the Memphis metropolitan area, which includes DeSoto County, and fails to require strict pollution controls and offsets for MZX Tech and xAI's NOx pollution required by Mississippi law. The draft Permit also underestimates the amount of harmful particulate matter and formaldehyde emissions from the turbines. Formaldehyde exposure is associated with adverse reproductive and developmental outcomes and significant respiratory harms, including narrowing of the bronchi, fluid buildup in the lungs, and worsening of asthma.⁴ Studies have also found that formaldehyde is a likely human carcinogen, with links to nasopharyngeal cancer, nasal sinus cancer, and myeloid leukemia.⁵ The risk of formaldehyde exposure exists here, as it did in Memphis, and therefore warrants disclosure, particularly given the well-documented harms associated with exposure.

It is imperative that the Permit Board disapprove the Permit because both MDEQ and the community must understand the full impact of the MZX Tech and xAI site's operations on air quality and address that impact as required by the Clean Air Act and Mississippi law. The area immediately around the MZX Tech power plant includes several residential neighborhoods, including Colonial Hills

⁴ Agency for Toxic Substances and Disease Registry (ATSDR), *Medical Management Guidelines for Formaldehyde*, CDC Toxic Substances Portal, at <https://www.cdc.gov/Tsp/MMG/MMGDetails.aspx?mmgid=216&toxicid=39>

⁵ *Id.*; American Cancer Society, *Formaldehyde and Cancer Risk*, <https://www.cancer.org/cancer/risk-prevention/chemicals/formaldehyde.html>

and Horn Lake. The power plant is within half a mile from homes and just a mile from an elementary school. Children, whose lungs are still developing abdominal who breathe more air per pound of body weight, face heightened vulnerability to air pollution exposure. These communities have already been experiencing impacts of the 27 unpermitted turbines MZX Tech and xAI have installed at 2875 Stanton Road without a permit, including increased noise and air pollution.

But the air pollution from both the 27 unpermitted turbines and the proposed 41 turbines will extend far beyond the immediately adjacent neighborhoods. Southaven and Memphis share the air—and right now, that air is not meeting minimum federal smog standards. The greater Memphis-Clarksdale-Forrest City metro area, which includes Memphis and Southaven, also received an “F” for high ozone days for the most recent reporting period. Smog makes asthma and other respiratory illnesses worse. Pollutants like smog are especially dangerous for children, who are more likely to develop respiratory illnesses like asthma. Pregnant people and unborn children are also at risk from fossil fuel pollution.⁶ According to the Asthma and Allergy Foundation, the Memphis Metro Area, including Memphis and Southaven, has among the highest rates in the U.S. of emergency room visits and deaths due to asthma.⁷

The 41-turbine MZX Tech and xAI power plant alone is estimated to cause millions of dollars of health damages each year nationally, with the greatest effects centered in Shelby and DeSoto counties.⁸ The damages include, among other things, missed days of school and work due to respiratory illnesses. This estimate likely understates the near-term health damages, since it does not consider the 27 turbines already installed at the Site, nor does it reflect the cumulative health burden imposed on communities already overexposed to air pollution.

Mississippi has repeatedly failed to protect its residents from avoidable environmental harms. Time and again, permitting decisions have allowed pollution to be concentrated in marginalized communities with the greatest existing environmental and health burdens. Approval of this permit would constitute yet another avoidable failure. The Permit Board has both the authority and the responsibility to prevent this.

We reiterate that the Permit Board must disapprove the draft Permit and instruct MDEQ to:

- Order MZX Tech and xAI to cease operating the 27 unpermitted turbines until it obtains a permit for them;
- Withdraw the draft Permit; and
- Revise the draft Permit to include *all* of the turbines on the site before seeking public comment.

⁶ EmPower Analytics Group LLC, Air Quality, Health, and Economic Impacts of the Proposed MZX Tech Facility (February 13, 2026), at

<https://southernenvironment.sharefile.com/share/getinfo/s30d29af5a81747dabe362251af5ec4f4>.

⁷ 2025 Asthma Capitals: The Most Challenging Places to Live with Asthma, Asthma and Allergy Found. of Am. (2025), [AAFA 2025 Asthma Capitals Report September 2025](#) (ranked 3rd for emergency room visits; 5th for deaths).

⁸ EmPower Analytics Group LLC, Air Quality, Health, and Economic Impacts of the Proposed MZX Tech Facility (February 13, 2026), at

<https://southernenvironment.sharefile.com/share/getinfo/s30d29af5a81747dabe362251af5ec4f4>.

The NAACP has stood in solidarity with Memphis residents who raised serious concerns about the first xAI data center, and we do so again here. Consistent with our mission, the NAACP will continue to advocate for communities asked to bear disproportionate environmental burdens without corresponding protections, safeguards or benefits. For these reasons, we urge the MDEQ Permit Board to deny the draft permit.

Sincerely,

Abre' Conner

Abre' Conner, Esq.

Director, NAACP Center for Environmental and Climate Justice