Gas Turbines Power Plant/Clean Air Act: EarthJustice Notice of Intent to Sue South Haven, Mississippi Facility for Alleged Violations

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EarthJustice on behalf of the National Association for the Advancement of Colored People and the NAACP Mississippi State Conference (collectively, "NAACP") sent a February 13th document to X.AI Corp. and MZX Tech LLC (collectively, "xAI") styled:

Notice of Intent to Sue for Violations of the Clean Air Act at the Gas Turbines Power Plant Located at 2875 Stanton Road S., Southaven, MS, that Powers xAI's Colossus II Data Center ("NOI").

The NOI alleges that xAI has committed past and ongoing violations of the Clean Air Act at a facility in South Haven, Mississippi.

The NOI states that on August 1, 2025, xAI began installing and operating combustion turbines at the facility without obtaining the necessary preconstruction or operating air permits. 27 turbines with a generating capacity of 495 MW are stated to have been installed. The turbines are stated to have been:

… evidently installed to power xAI's new Colossus II data center at 5400 Tulane Road, Whitehaven, Tennessee.

The components of the NOI include:

- FACTUAL BACKGROUND
- xAI's data center footprint in the Memphis and Southaven areas.
- xAI's facility in Southaven, Mississippi.
- xAI's Turbines emit harmful pollutants.
- APPLICABLE CLEAN AIR ACT REQUIREMENTS
- Preconstruction and operating permits for stationary sources.
- New Source Review program and permitting for major sources of air pollution.
- Regulations that apply to major sources of hazardous air pollutants.
- Gas turbines are subject to permitting and pollution control requirements, and no exemptions apply here.

The alleged violations are stated to include:

- xAI has constructed and operated, and continues to operate, a new stationary source in violation of Mississippi SIP Rules 2.1 D and 2.5 D and the Clean Air Act.

- xAI has constructed and operated, and continues to operate, a major emitting facility without a Prevention of Significant Deterioration permit or Best Available Control Technology in violation of Mississippi SIP Rule 5.2 and the Clean Air Act.
- xAI has constructed and operated, and continues to operate, a major source of hazardous air pollutants without using the maximum achievable control technology in violation of NESHAP Subpart YYYY.

The NAACP's NOI states it will seek redress for the alleged violations including injunctive relief, civil penalties, costs, attorney's fees, and any other appropriate relief pursuant to 42 U.S.C. § 7604(a).

A copy of the NOI can be found here.