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# United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

ADAM TOMLINSON, REPUBLICAN STAFF DIRECTOR  
DAN DUDIS, DEMOCRATIC STAFF DIRECTOR

April 15, 2026

The Honorable Lee Zeldin  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue N.W.  
Washington, DC 20460

Dear Administrator Zeldin,

I write regarding serious and ongoing Clean Air Act violations at xAI's Southaven, Mississippi, property where more than two dozen gas-fired turbines are operating without permits to power xAI's Colossus 2 data center, located across the state line in Memphis, Tennessee. Late last year, xAI trucked the 27 gas turbines, capable of generating nearly 500 megawatts of power,<sup>1</sup> into Southaven, a town that has long suffered from unhealthy air.<sup>2</sup> Without securing any permits, xAI then began running the turbines—still on the backs of tractor-trailer trucks.<sup>3</sup>

This is not the first instance of xAI operating unpermitted gas turbines in the region. In April 2025, thermal imagery revealed more than 30 unpermitted gas turbines at the company's Colossus 1 data center in South Memphis, Tennessee—a low income, majority-minority area.<sup>4</sup> Community members, already struggling with air toxics exposure and cancer risk four times higher than the

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<sup>1</sup> Eric Hilt, "xAI built an illegal power plant to power its data center," Southern Environmental Law Center [SELC] (Feb. 16, 2026), <https://www.selc.org/news/xai-built-an-illegal-power-plant-to-power-its-data-center/>.

<sup>2</sup> SELC, "Press Release: Groups threaten lawsuit over xAI's unpermitted gas turbines in Mississippi" (Feb. 13, 2026), <https://www.selc.org/press-release/mississippi-regulators-rubber-stamp-air-permit-for-xai-power-plant-ignoring-overwhelming-public-pushback/#:~:text=SOUTHAVEN%2C%20Miss.,hours%20away%20from%20impacted%20communities.>

<sup>3</sup> *Id.*

<sup>4</sup> Eric Hilt, "Elon Musk's xAI facility is using gas turbines in South Memphis, we're taking action," SELC, (June 17, 2025), <https://www.selc.org/news/resistance-against-elon-musks-xai-facility-in-south-memphis-gets-stronger/?ref=floodlightnews.org>.

national average,<sup>5</sup> opposed the turbines,<sup>6</sup> citing disproportionate impact, air pollution,<sup>7</sup> and increased water and electricity use.<sup>8</sup> xAI ultimately removed its unpermitted turbines, but not until receiving a permit from the Tennessee Department of Environment and Conservation (TDEC) for 15 new permanent turbines at the Colossus 1 site.<sup>9</sup>

Seemingly emboldened by its success in Tennessee, xAI decided to follow the same playbook in Mississippi. xAI senior manager for infrastructure Brent Mayo declared in July 2025 that the company planned to “copy[] and past[e] what [it] did” at the Colossus 1 site.<sup>10</sup> Accordingly, in January of 2026, while continuing to illegally operate its portable turbines,<sup>11</sup> xAI submitted a permit application for a permanent installation to the relevant state authority—here, the Mississippi Department of Environmental Quality (MDEQ).<sup>12</sup> At the only public hearing held on the matter, residents overwhelmingly opposed permitting the project—which is set to total 41 permanent turbines when completed—citing air and noise pollution.<sup>13</sup> Nevertheless, barely three weeks later, MDEQ approved xAI’s permit for the requested permanent installation.<sup>14</sup>

xAI’s strategy of installing turbines first and seeking permits after the fact is clearly illegal. In January 2026, EPA confirmed its long-held position<sup>15</sup> that units like these, regardless of their

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<sup>5</sup> Chunrong Jia and Jeffery Foran, “Air toxics concentrations, source identification, and health risks: An air pollution hot spot in southwest Memphis, TN,” *Atmospheric Environment* 80 (2013): 112-116, <https://doi.org/10.1016/j.atmosenv.2013.09.006>.

<sup>6</sup> Joyce Peterson and Garner Montgomery, “Emotions run high at SCHD town hall on xAI environmental concerns,” *Action News 5* (April 25, 2025), <https://www.actionnews5.com/2025/04/26/emotions-run-high-schd-town-hall-xai-environmental-concerns/>.

<sup>7</sup> Ariel Wittenberg, “‘How come I can’t breathe?’: Musk’s data company draws a backlash in Memphis,” *POLITICO* (May 6, 2025), <https://www.politico.com/news/2025/05/06/elon-musk-xai-memphis-gas-turbines-air-pollution-permits-00317582>.

<sup>8</sup> Logan Hawkins, “Tech, Toxins, and Memphis: Evaluating the Environmental Footprint of the xAI Facility,” *Tennessee Bar Association*, <https://www.tba.org/?pg=Hastings2025AIX>, accessed March 6, 2026.

<sup>9</sup> Jack Bilyeu, “Shelby County permits 15 turbines at XAI supercomputer, environmentalists to conduct air testing,” *Fox 13* (July 2, 2025), [https://www.fox13memphis.com/health/shelby-county-permits-15-turbines-at-xai-supercomputer-environmentalists-to-conduct-air-testing/article\\_01244e83-03fc-41f3-979c-abc3a944cf1b.html](https://www.fox13memphis.com/health/shelby-county-permits-15-turbines-at-xai-supercomputer-environmentalists-to-conduct-air-testing/article_01244e83-03fc-41f3-979c-abc3a944cf1b.html).

<sup>10</sup> Neil Streb, “xAI official updates Colossus 2 plans in Memphis, but not how site will be powered,” *Memphis Com. Appeal* (July 15, 2025), <https://perma.cc/G8FV-PSPY>.

<sup>11</sup> See Evan Simon, “‘A different set of rules’: thermal drone footage shows Musk’s AI power plant flouting clean air regulations,” *The Guardian* (Feb. 13, 2026), <https://www.theguardian.com/environment/2026/feb/13/elon-musk-xai-datacenters-air-pollution-mississippi>.

<sup>12</sup> Desmond Nugent, “Residents’ concerns grow as xAI applies for permits for 41 natural gas turbines for Southaven data center,” *ABC24* (Jan. 20, 2026), <https://www.localmemphis.com/article/life/wellness/health-concerns-desoto-county-residents-xai-southaven-power-plant-permit-turbines/522-6a122dcf-5713-49e6-ab45-abac245f47a7>; Katie Copeland and Brayel Brown, “xAI seeking permit for 41 gas turbines in Southaven,” *WREG News Channel 3*, Jan. 20, 2026, <https://wreg.com/news/local/xai-seeking-permit-for-41-gas-turbines-in-southaven/>.

<sup>13</sup> Alex Rozier, “Public gives resounding ‘no’ to proposed xAI Southaven permit,” *Mississippi Today*, Feb. 18, 2026, <https://mississippitoday.org/2026/02/18/xai-southaven-permit-public-resounding-no/>.

<sup>14</sup> SELC, “Mississippi regulators rubber-stamp air permit for xAI power plant, ignoring overwhelming public pushback” (March 10, 2026), <https://www.selc.org/press-release/mississippi-regulators-rubber-stamp-air-permit-for-xai-power-plant-ignoring-overwhelming-public-pushback/>.

<sup>15</sup> *New Source Performance Standards Review for Stationary Combustion Turbines and Stationary Gas Turbines* (Jan. 9, 2026), 91 Fed. Reg. 1910, 1926-27 (“Historically, however, the EPA has not regulated combustion turbines, even those that may be portable, as nonroad engines, but rather as stationary sources.”)

portable nature, must be permitted under the Clean Air Act before operation.<sup>16</sup> Although the state of Mississippi is primarily responsible for issuing (or denying) the permits required under federal law, EPA retains enforcement authority, and a responsibility to act where the state fails to do so—including by imposing civil or criminal penalties, as appropriate.<sup>17</sup> That same month, the Southern Environmental Law Center (SELC) sued xAI behalf of the NAACP, arguing that xAI is operating an illegal de facto power plant.<sup>18</sup> Despite xAI operating more than two dozen gas turbines for months without a permit,<sup>19</sup> EPA has taken no action.

Making matters worse, reports indicate that xAI plans to construct a third data center in the area.<sup>20</sup> Although xAI has not yet publicized details about how the third data center will be powered, it is reasonable to assume that the company plans to “copy and paste” its twice-successful strategy to bring the data center online immediately with illegal, unpermitted gas power turbines before it receives a permit for a permanent installation.

Permanent or not, xAI’s gas turbines will emit hundreds or thousands of tons of dangerous local pollutants, including nitrogen oxides, particulate matter, sulfur dioxide, benzene, and formaldehyde.<sup>21</sup> Exposure to these pollutants can cause myriad serious health issues, including asthma, strokes, heart attacks, reproductive issues, and cancer.<sup>22</sup> Residents in Southaven and the Memphis metropolitan area, already disproportionately exposed to air toxics, have expressed concerns that the turbines will further degrade air quality and increase noise levels.<sup>23</sup> And of course, the xAI turbines will also release millions of tons of greenhouse gases annually, further

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<sup>16</sup> *Id.* at 1926 (“The EPA is not finalizing a complete exemption from the NSPS for temporary combustion turbines...All combustion turbines meeting the applicability criteria of the NSPS for combustion turbines are subject to those NSPS standards (including portable turbines)... Finalizing an exemption [from permitting requirements] for temporary or portable combustion turbines without ensuring a workable framework for compliance under title II could leave these engines subject to no emission standards at all.”)

<sup>17</sup> 42 U.S.C. § 7413(a).

<sup>18</sup> NAACP, “NAACP, SELC, Earthjustice threaten Lawsuit over xAI’s Unpermitted Gas Turbines in Mississippi,” Feb. 13, 2026, <https://naacp.org/articles/naacp-selc-earthjustice-threaten-lawsuit-over-xais-unpermitted-gas-turbines-mississippi>.

<sup>19</sup> See Evan Simon, “‘A different set of rules’: thermal drone footage shows Musk’s AI power plant flouting clean air regulations”, *The Guardian* (Feb. 13, 2026), <https://www.theguardian.com/environment/2026/feb/13/elon-musk-xai-datacenters-air-pollution-mississippi>; see also Roland, Woolworth & Associates, “Report: xAI Southaven Preliminary Noise Measurements” (Mar. 31, 2026) (prepared for Safe and Sound Coalition).

<sup>20</sup> Eric Hilt, “xAI built an illegal power plant.”

<sup>21</sup> See, e.g., Trinity Consultants, *Modeling Protocol: Greenfield Simple Cycle Combustion Turbine Project CTC Property LLC Tulane Road*, March 2025, <https://southernenvironment.sharefile.com/share/view/1515a7bd78c94633/fo13b2d5-54a4-4a12-86ea-de7d8ca15026>.

<sup>22</sup> Agency for Toxic Substances and Disease Registry, “ToxFAQs for Nitrogen Oxides,” *U.S. Department of Health and Human Services* (April 2002), <https://wwwn.cdc.gov/tsp/ToxFAQs/ToxFAQsDetails.aspx?faqid=396&toxid=69>; Agency for Toxic Substances and Disease Registry, “Medical Management Guidelines for Formaldehyde,” *U.S. Department of Health and Human Services*,

<https://wwwn.cdc.gov/Tsp/MMG/MMGDetails.aspx?mmgid=216&toxid=39>; American Lung Association, “Particle Pollution,” <https://www.lung.org/clean-air/outdoors/what-makes-air-unhealthy/particle-pollution#health-effects>.

<sup>23</sup> Bracey Harris, “Elon Musk’s makeshift AI power plant generates sound and fury in Mississippi,” *NBC News* (Feb. 26, 2026), <https://www.nbcnews.com/news/us-news/musks-ai-power-plant-generates-sound-fury-mississippi-rca258594>.

accelerating climate change which endangers Americans and drives up household costs across the country.

Given the scale of emissions, the repeated use of unpermitted turbines, and the disproportionate effects on surrounding communities, EPA's lack of enforcement is alarming. To better understand EPA's plans for ensuring xAI's compliance with the Clean Air Act, please respond to the following questions no later than April 29<sup>th</sup>, 2026:

1. Does EPA intend to enforce Clean Air Act permitting requirements for the unpermitted gas turbines which are now operating, and have previously operated, at xAI's Southaven Colossus 2 facility?
2. Does EPA intend to enforce requirements for the unpermitted turbines previously operated in South Memphis to power Colossus 1? If so, what are its plans to do so? If not, why not?
3. Does EPA intend to impose civil penalties? If so, does EPA intend to assess increased penalties to reflect xAI's repeat violations? If not, why not?
4. To what extent was EPA aware of xAI's plans to begin operating unpermitted gas turbines in Southaven before seeking permits for a separate, permanent installation? Please produce all communications between and among EPA, MDEQ, TDEC, and xAI officials concerning xAI's operation of gas turbines in and around Southaven, Mississippi, and Memphis, Tennessee, dating from January 20, 2025, through present.
5. Does EPA commit to taking action if and when xAI or another entity illegally operates unpermitted turbines in the future?

Sincerely,

A handwritten signature in blue ink, appearing to read "Sheldon Whitehouse", written over a horizontal line.

Sheldon Whitehouse  
Ranking Democratic Member  
Committee on Environment and Public Works