

- **Comment No. 23:** The Permit Board Must Deny the Permit Because It Fails to Include All of the Gas Turbines at the Stanton Road Gas Plant.

Mississippi law requires all new stationary sources of pollution to obtain a construction permit prior to operating, subject to exemptions that do not apply here. Sources that do not obtain a construction permit are deemed a public nuisance and the air pollution they emit is “a menace to public health and welfare.” Miss. Code § 49-17-3. The 27 unpermitted turbines already installed at the Stanton Road Gas Plant are stationary sources of pollution that require a permit, as set out below. MDEQ is simply mistaken in reading its own SIP and the Clean Air Act as authorizing MZX to install and operate these turbines without a preconstruction and operating permit.

Yet both the Application and the Draft Permit improperly omit any discussion let alone proposed emissions limits or pollution controls for the 27 unpermitted turbines. As a result, MZX has not complied with all Applicable Rules and Regulations and the Board cannot make required findings based on the incomplete information presented in the Application and the Draft Permit. The Board must therefore deny the Permit.

MDEQ Response: Pursuant to 11 Mississippi Administrative Code, Part 2, Chapter 2.13.D.(3) (which is an element of Mississippi’s EPA-approved SIP), the owner / operator of a “mobile source” is not required to obtain a Permit to Construct and a Permit to Operate. As there is no associated rule or guidance that explicitly outlines terms for defining a “mobile source”, the characterization of such a source falls within the regulatory purview of the applicable permitting authority. Therefore, MDEQ’s stance remains unchanged in that MZX Tech is not required to obtain a Permit to Construct or Permit to Operate to operate the referenced twenty-seven (27) combustion turbines given that they have not been installed “in a permanent nature”, maintain a reasonable means for portability (i.e., affixed to a portable trailer bed), and will be operate in tandem with the forty-one (41) permanent combustion turbines [i.e., there is **no scenario** in which MZX will operate sixty-eight (68) combustion turbines]

Accordingly, as the referenced turbines do not require a Permit to Construct, the denoted units are outside of the scope of the PSD project proposed by MZX Tech and not under consideration by the Mississippi Environmental Quality Permit Board.

- **Comment No. 24:** MDEQ Must Not Allow xAI to Engage in Sham Permitting Related to Colossus III

As MDEQ is aware, the 41 turbines that would be authorized under this Permit are intended to provide 1.2 gigawatts of power to xAI’s Colossus II data center just across the state line in Tennessee. In December, meanwhile, xAI announced plans for Colossus III, also apparently known as MACROHARDRR, acquiring an 800,000 square foot warehouse adjacent to the Colossus II data center. Although xAI has yet to announce how it plans to power Colossus III, given the proximity to