

Carbon Capture, Coal's Demise Face Scrutiny in Power Plant Rule

Media Mentions

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Bracewell's **Jeff Holmstead** addressed with *Bloomberg Law* the challenges power plants will face following the EPA's new power plant rules released on May 11, which will rely largely on carbon capture control technology for emissions reduction.

According to Holmstead, unless more federal support and grants are provided, "most" coal-fired power plants will shutter rather than adopt the necessary tech, opening the rules to legal challenges.

"This may look like a subterfuge for the type of generation shifting that the Supreme Court struck down in the West Virginia case," Holmstead said. "Based on what has been reported about the proposed rule, EPA will face some pretty stiff legal challenges."

The Biden administration will need to tread carefully around parameters put in place after *West Virginia v. EPA*, which established that EPA cannot regulate with sweeping, grid-wide rulemaking and instead needs to keep its rules focused on individual plants.

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