

# EPA's Coal Ash Rule Joins Other Power Sector Rules Facing Stay Requests

Media Mentions

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Since the [EPA issued its power sector rules](#), state and industry critics have sought to stay each of them, with the latest challenge coming from a Kentucky power co-op on the coal ash rule.

With state and industry groups recently being denied in the Eighth Circuit to stay these rules, Bracewell's **Jeff Holmstead** told *Inside EPA* that the Supreme Court's ruling earlier this summer in *Ohio v. EPA* to stay the agency's Good Neighbor rule should have sent a stronger message to the DC Circuit.

The high court's ruling in *Ohio* sends "a pretty strong signal that the courts of appeal need to pay serious attention to the harms" industry claims it will suffer during litigation, said Holmstead. Still, the DC Circuit panel failed to heed the Supreme Court's direction from Ohio, he argued.

Staying the GHG rule should "make the DC Circuit more amenable to granting stays."

The Kentucky power co-op is challenging EPA's final rule governing power plants' "legacy" coal combustion residual (CCR) surface impoundments and other CCR management units. EPA issued this coal ash rule alongside measures governing coal-fired power plants' greenhouse gases, effluent limits and mercury emissions.

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