

OMB Can Break the Tie on CCS by Exercising its Authorities under the Data Quality Act

EPA is working to promulgate a final rule for new fired coal plants which is a requisite for subsequent actions to control greenhouse gases. EPA's strategy is based upon the belief that CCS (Carbon Capture and Storage) is a viable technology for new coal fired plants. A substantial number of stakeholders state that CCS is not a viable technology.

EPA has been served a Data Quality Alert which delineates its non-compliance with the Data Quality Act (DQA).

In that OMB has statutory jurisdiction over all DQA matters, OMB could implement the following strategy:

- (1) EPA would issue an interim rule for new coal fired plants based upon the most advanced currently installed coal treatment technologies exclusive of CCS.

- (2) EPA would conduct a structured peer review on CCS as explained in the aforementioned Data Quality Alert and based upon the results of the DQA peer review make the appropriate changes in the interim rule as needed.

See this [letter](#) to EPA describing their available options to implement a climate change program with a substantially reduced threat of successful litigation.