

GOP state senator, environmental groups find common ground on Indiana carbon storage bill

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Credit: Kevin B from Pexels

An Indiana Senate bill authored by state Sen. Rick Niemeyer, R-Lowell, would impose additional procedural requirements on a planned carbon dioxide sequestration project by petroleum giant BP. Niemeyer's bill has been lauded by environmental activists who have concerns over the proposal's efficacy and impact.

Produced through the burning of fossil fuels, [atmospheric carbon dioxide](#) is a primary driver of human-made climate change. Carbon capture projects like the one proposed by BP seek to collect carbon from industrial site that would have otherwise entered the atmosphere and store it in a liquid form deep underground.

In November, the United States Department of Energy announced plans to contribute about \$98 million to help fund the roughly \$138 million [project](#)—dubbed "Project Crossroads"—which will capture carbon dioxide produced at BP's Refinery in Whiting. The company has projected that up to 23 million metric tons of carbon dioxide will be diverted from the atmosphere annually during the life of the project.

Because BP's carbon sequestration plans involve pumping liquid carbon dioxide into deep deposits of porous Mount Simon sandstone—a geologic feature not found in Lake County—the company plans to construct new pipeline infrastructure to transport carbon dioxide to Newton, Jasper, Pulaski, White and Benton Counties.

Senate Bill 131, currently awaiting a hearing in the Senate Committee on Utilities, would make any carbon sequestration project that transports carbon dioxide from one county to another subject to the approval of county officials in the destination county.

While Niemeyer said he has doubts about the benefits of carbon storage and concerns about its possible impact, he stressed that the legislation does not represent a referendum on the practice. He framed it instead as

a narrow reform aimed at increasing local governments' say in the process.

"Some people say it works. Some say it won't," he said. "You cannot just run this carbon and drive those wells in counties four counties away without some dialogue and approval from that county."

Niemeyer has been a vocal skeptic of Indiana's approach to carbon sequestration. In 2022, he voted against House Enrolled Act 1209, a bipartisan law that established the procedure for carbon dioxide storage in the state and paved the way for Project Crossroads.

Among other provisions, the law empowers the state to compel holdout landowners to accept a carbon sequestration deal if a company can secure the cooperation of the owners of at least 70% of the land overlying a proposed carbon storage space.

A majority of Northwest Indiana legislators from both parties backed the legislation, which was authored by Rep. Ed Soliday, R-Valparaiso. Sen. Rodney Pol, D-Chesterton; Rep. Vernon Smith, D-Gary; and Rep. Ragen Hatcher, D-Gary, joined Niemeyer in opposing it.

Project Crossroads is one plank of a larger effort to decarbonize Northwest Indiana's industrial sites by using hydrogen fuel, which can be burned without producing carbon dioxide. In October, the DOE announced it would invest up to \$1 billion in projects undertaken by the Midwest Alliance for Clean Hydrogen (MachH2), a partnership of over 60 public and private entities across Indiana, Illinois and Michigan that includes BP.

The most common and most economical method of producing hydrogen uses [natural gas](#) and produces carbon dioxide as a byproduct. By storing carbon produced through the hydrogen-making process, BP says it can

meaningfully reduce the carbon footprint of hard to decarbonize industries like steel and glass manufacturing.

Environmental advocacy groups have been among the most vociferous opponents of BP's carbon storage plans.

Kerwin Olson, executive director of the Indianapolis-based Citizens Action Coalition (CAC), decried it as "nothing more than the fossil fuels pushing their agenda to maintain the status quo."

For Susan Thomas, Legislative and Policy Director at Just Transition Northwest Indiana, Niemeyer's bill presents "a chance for folks to be able to push back and say no" to carbon storage.

Olson noted that Indiana law already permits counties to restrict or block solar or wind projects within their borders, a fact he termed "inconsistent" with the state's current approach to carbon storage.

"I think the concern of the powers that be, if you will, the proponents of ([carbon capture](#) and storage), is that if you give this control to the locals it's going to be pretty difficult to get a project approved," he said. "Because nobody wants this stuff."

Groups like CAC and Just Transition support the use of [hydrogen fuel](#), but want BP and its peers to invest instead in the production of "green" hydrogen, using water and electricity from renewable sources. Advocates say that this technology, though more costly than natural gas-derived hydrogen, will allow Indiana to avoid the negative environmental impacts that they worry could come from carbon storage.

Environmental advocates worry that BP's carbon dioxide storage sites might leak and contaminate groundwater, or that its pipeline might rupture and endanger nearby residents—Thomas and Olson both pointed

to a 2020 [carbon dioxide](#) pipeline rupture in a small Mississippi town that led to the evacuation of more than 200 people and at least 45 hospitalizations. Carbon [dioxide](#), while not combustible or poisonous, can displace air and lead to asphyxiation in high concentrations.

BP, for its part, has said that the risks to people and the environment associated with its carbon storage project are minimal.

SB 131 is Niemeyer's second attempt to secure more power for local authorities in [carbon](#) storage projects. During the 2023 legislative session, members of the Senate Committee on Environmental Affairs voted down a similar bill that he authored. The bill had the backing of the Association of Indiana Counties, but it was opposed by the Northwest Indiana Forum, the Indiana Chamber of Commerce and oil and gas industry trade organizations.

In a statement to the Post-Tribune, a BP spokesperson wrote that "we are reviewing the legislation and remain committed to engaging constructively with Indiana lawmakers."

A MachH2 spokesperson declined to comment.

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