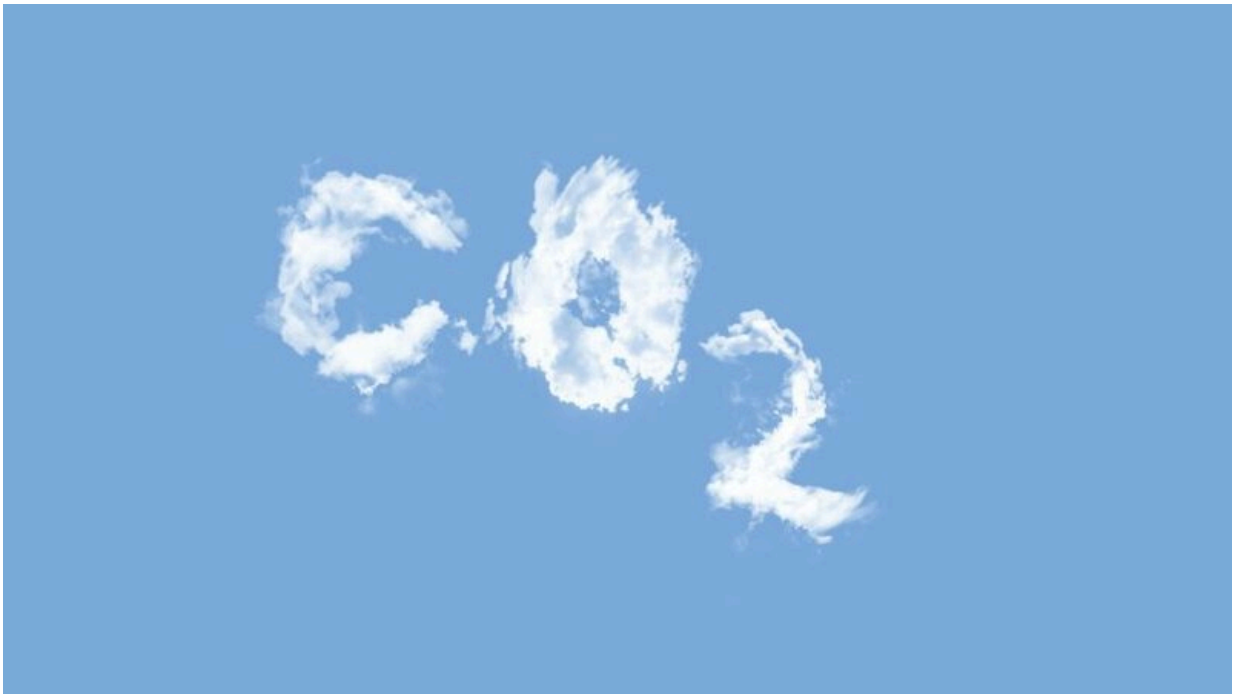


Legislation would block carbon dioxide pipelines in Illinois for up to two years

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With the prospect of vast networks of carbon dioxide pipelines looming in Illinois and other Midwestern states, the state legislature has taken steps to protect landowners, taxpayers and the environment.

Among the key measures in a new bill, passed by both houses: a ban on construction of the controversial underground pipelines for up to two

years, or until [federal regulators](#) complete their work on new safety regulations, whichever comes first.

"We've got a moratorium—that's a good thing and we might get more safety measures depending on what (the federal regulators) do," said Pam Richart, coordinator of the Coalition to Stop CO₂ Pipelines.

Still, she said, members of her coalition were dismayed that the bill didn't ban or severely limit eminent domain, in which land can be taken from a nonconsenting owner for the public good.

"There are a lot of good protections in this bill, but what we had hoped to get was landowner protections, and I think we fell short there," Richart said.

Illinois Manufacturers' Association President and CEO Mark Denzler, is part of a coalition of business organizations, agriculture groups and organized labor that supports the pipelines.

Denzler said his coalition's goal is to attract jobs and capital investment to Illinois and to reduce planet-warming greenhouse gas emissions.

Emissions reductions are central to carbon transport and storage projects and the reason they receive generous financial incentives from the federal government.

The projects use [carbon capture technology](#) to trap CO₂, a greenhouse gas that is produced during many industrial processes. Pipelines then transport the CO₂ to naturally occurring rock formations deep underground where the carbon dioxide can be permanently stored.

Denzler said the legislation was born of "a tough negotiation."

"We certainly didn't get everything we wanted, but I think the important thing is it sets a regulatory framework so that operators know what the ground rules are," he said.

Denzler downplayed the importance of the state moratorium, the second in the country after California's, according to the Great Plains Institute, a nonprofit that works to advance energy goals.

At the end of the day, he said, this is a "short-term moratorium" that "really is not going to have an impact."

The bill addresses the capture of CO₂ by various industries, including corn ethanol producers, the transport of CO₂ via pipelines, and storage.

Underground storage of CO₂—part of a national effort to reduce planet-warming greenhouse gases and fight climate change—has never been done on the scale contemplated in Illinois and other Midwestern states.

Now, with billions of dollars of federal incentives for carbon storage at stake, and the national race to reduce global warming heating up, companies are seeking approval for massive new projects.

Developers are drawn to the region's corn ethanol plants, which emit a relatively pure stream of CO₂, making carbon capture cheaper and easier, and to the kind of underground [rock formations](#) found in Illinois, which has vast deposits of porous sandstone. The sandstone is considered an ideal medium for storing CO₂.

Environmentalists and landowners worry about the risk of [pipeline](#) leaks, in which a potentially suffocating gas can be released into the air, as well as the possibility of contamination of underground water sources by underground storage areas or the injection wells that feed them.

After a 2020 carbon dioxide pipeline rupture in Mississippi, in which at least 45 people sought medical care— some after losing consciousness—federal regulators announced they would update carbon dioxide pipeline safety regulations.

Supporters point out that CO₂ pipelines have been operating for decades in the United States—largely in the service of the oil industry, which uses CO₂ for oil extraction—and that a large CO₂-storage pilot project in Decatur has performed well.

A 2023 report to the state by the Prairie Research Institute noted that Illinois had not addressed some of the basic legal and regulatory issues involved in carbon capture and storage, including who actually owns the "pore space," the openings in underground rock where CO₂ can be stored.

The 104-page Illinois bill, which Gov. J.B. Pritzker is expected to sign, addresses that question: The owner of the land on the surface owns the pore space below.

Among the other key features of the legislation are a requirement that carbon pipeline companies use advanced computer modeling to predict where gaseous CO₂ could flow in the event of a pipeline leak or rupture, and provide the results to the state, which will publish them on a website.

CO₂ exposure can cause confusion, unconsciousness and even—at high doses—death.

Protections for the government and taxpayers include a requirement that carbon storage owners monitor their sites for at least 30 years after storage is completed. The legislation also sets up fees for carbon pipelines and storage facilities, financial and insurance requirements for storage operators, and state funds to pay for monitoring and inspections

and emergency planning and training.

Great Plains Institute Vice President for Carbon Management Patrice Lahlum called the Illinois bill "a robust effort and start."

"It's heartening to see that so many voices, and the range of voices, were at the table to think about it and talk about it and develop the legislation," she said.

Denzler said that after more than a year of discussion, Pritzker's office reconvened the authors of competing bills.

"I give the governor's office a lot of credit for bringing business and labor and environmentalists and agriculture together to get the compromise," he said.

Richart, co-director of the Champaign-based environmental group Eco-Justice Collaborative, said her coalition's work isn't done. Among their top concerns: a provision that could force landowners to lease space to an underground CO₂ storage site.

If owners of 75% of the land required for an underground carbon dioxide storage site sign agreements with the site operator, the other affected landowners can be required to join in the project, according to the legislation.

Also concerning to landowners and environmentalists: They didn't get additional protections for the Mahomet Aquifer, which supplies drinking water to nearly a million people in central Illinois.

Richart said that her coalition will continue to work on issues including landowner rights, the Mahomet Aquifer, and setbacks, or requirements that pipelines not be built too close to homes, schools or health facilities.

There are currently no setbacks for carbon dioxide pipelines in Illinois.

"There are pretty important provisions that didn't get in there, that we're just going to have to keep working on," Richart said.

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