



Written by [Rebecca Terrell](#) on December 7, 2023

UPDATED: Fed Judge Strips Iowa Counties of Pipeline Safety Authority

Two counties in Iowa are shackled from enforcing ordinances that protect their residents' lives and property from dangerous carbon dioxide pipelines.

On Monday a federal judge [permanently barred](#) Story and Shelby counties from exercising their constitutional rights.

At issue are planned pipeline systems intended to transport liquefied carbon dioxide, which has been captured from ethanol plants throughout the Corn Belt, to deep underground storage.

The county ordinances established minimum citing distances to protect homes, schools, churches, parks, and other sites. The minimums are considered vital due to the imminent danger liquefied carbon dioxide poses when it leaks, as residents of [Satartia](#), Mississippi, learned the hard way *twice* in 2020.

One of the companies proposing the pipelines, Summit Carbon Solutions, filed two lawsuits against the counties, arguing that the federal government regulates pipeline safety.

Judge Stephanie Rose of the federal Southern District of Iowa granted summary judgments in favor of Summit in both suits. (Rose is an Obama appointee.) In her Shelby decision, she wrote that the county ordinances prevent Summit from constructing a pipeline.

Summit has made the same argument in [North](#) and [South Dakota](#), but public utilities commissions in both states have denied the company's permit applications.

UPDATE December 7:

Tammy Kobza, field coordinator for The John Birch Society in Iowa, wrote by email that, while landowners are dejected, many county supervisors were expecting this ruling and plan an appeal.

Hopes are high that the courts will reverse Rose's decision, "especially since PHMSA [the federal Pipeline and Hazardous Materials Safety Administration] told them that local jurisdictions have the power to determine where these pipelines are located, if at all."

Regarding two other pipeline companies which have rescinded their permit applications, she added, "Many wonder if WOLF [Carbon Solutions] and Navigator's pulling of their applications was simply a way to work the feds to label CO2 a utility."



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