



Illinois Deals Blow to CO2 Storage; Carbon Capture Heads to ND Supreme Court

Landowners battling carbon capture and sequestration in Illinois are celebrating a major victory. On Thursday, the McLean County Board denied an [application](#) by One Earth Sequestration LLC to drill three carbon dioxide wells. In a near-unanimous vote — with one member abstaining due to a conflict of interest — the board objected on the basis of safety issues.

Referencing findings of the county's Zoning Board of Appeals (ZBA), which assessed One Earth's application, [Lea Cline](#), chairman of the Land Use and Development Committee, summed up concerns:

During some 10 hours of hearings we learned that One Earth Sequestration does not yet have their EPA well permit, nor do they have the internally required approval of the Emergency and Remediation Plan which is targeted at protecting drinking water. And they do not have an emergency or remediation plan for the above-ground accidents in place.

We were told that they were working on such a plan and reaching out to various EMA [Emergency Management Agency] and public safety entities, but these plans were not presented to the ZBA, nor was any plan for provisioning local emergency responders with adequate training equipment.

In their verdict, the ZBA stipulated that One Earth needs to develop and fund a Safety and Emergency Response Plan before any building permits may be issued. However, this plan will not be reviewable by the County Board. It will be rendered to



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Written by [Rebecca Terrell](#) on December 18, 2023

the Director of Building and Zoning, and with all respect that Mr. [Philip] Dick is owed, until I can review such a plan and understand the arrangements that one has made to protect the health and safety of the public, I cannot in good conscience vote to issue a special-use permit at this time.

Property owners greeted the news with delight. But their fight is far from over, for in her next breath, Cline seemed to encourage carbon capture by stating that “a vote to deny the special use permit today will not serve One Earth with a fatal blow to their sequestration plans.” She pointed out that the company can reapply after meeting code requirements, and she said that it’s her job to “ready the county administratively for CO₂ projects.”

That is hardly music to the ears of Illinois farmers [pushing](#) for “carbon pipeline moratoriums and eminent domain protection,” or for those concerned about the inherent [risks](#) of carbon sequestration. The situation recalls an old saying that “the price of freedom is eternal vigilance.”

It’s the lesson farmers in North Dakota have learned, for even though they’ve witnessed victories over carbon capture permit [applications](#), they realize the stakes are high for hopeful companies and the [billions](#) of dollars they stand to gain from [federal subsidies](#).

Even now they are embroiled in litigation with one carbon pipeline company, Summit Carbon Solutions. An attorney representing many landowners appeared earlier today before the North Dakota [Supreme Court](#) in Bismarck. [Brian Jorde](#) of Domina Law protested the fact that Summit made [surveys](#) of many farmers’ land in the Dakotas without their [permission](#).

Prior to his testimony, Jorde told *The New American* by email: “I will be arguing that North Dakota’s survey access laws are unconstitutional because they provide no notice, are limitless and provide no just compensation.”

During remarks this morning, he cited the law that Summit used to justify its trespass:

That means that this law, if upheld, allows them to come into your living room on Christmas day and drill a boring hole if that’s part of the investigation that they want to do. No restrictions whatsoever. That can’t be part of a background principle in this state.

See his remarks around 1:10:00 here:

[Summit Carbon Solutions](#) plans a 2,100-mile carbon capture pipeline throughout the Great Plains.

On the other hand, One Earth Sequestration LLC in Illinois intends to capture carbon dioxide from its ethanol plant in Gibson City, and bury it approximately seven miles away. Though the pipeline would be much shorter than Summit’s, the [dangers](#) are equally serious.



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