



Policy Update

September 8, 2023

SD Public Utilities Commission Denies Navigator CO2 Pipeline Permit

This week, the South Dakota Public Utilities Commission denied a permit to build the Navigator CO2 pipeline. The pipeline would cross five counties in eastern South Dakota and would capture CO2 from ethanol plants and transport it to Illinois for permanent sequestration. The hearing to grant or deny the permit lasted 11 days with testimony from expert witnesses and landowners. The commissioners ultimately ruled that due to safety hazards and potential negative economic impacts to the region, Navigator will be denied the permit. To be granted a permit, an applicant must show the following:

1. Will comply with all applicable laws and rules;
2. Will not pose a threat of serious injury to the environment nor to the social or economic condition of inhabitants or expected inhabitants in the siting area;
3. Will not substantially impair the health, safety, or welfare of the inhabitants; and
4. Will not unduly interfere with the orderly development of the region with due consideration having been given to the views of the governing bodies of affected local units of government.

The motion to deny was made by the chair of the Public Utilities Commission, Kristie Fiegen and supported by her fellow commissioners. Moving forward, the Public Utilities Commission will release a detailed written order explaining their rationale. This is anticipated to be published on or before September 26.

To listen to the Commissioner's comments on the matter, please click [here](#).

To learn more about the project, please click [here](#).

SD Public Utilities Commission Upholds County Ordinances on CO2 Pipeline

The South Dakota Public Utilities Commission upheld both Minnehaha and Moody Counties' ordinances pertaining to carbon dioxide pipelines. Minnehaha County set into place a 330-foot setback while Moody County set into place a 1,500-foot setback. The vote to **not** override the counties' ordinances was unanimous as the Commissioners viewed the ordinances as not "unreasonably restrictive." State law allows for the Public Utilities Commission to overrule local rules if they are found to be "unreasonably restrictive." Additionally, the Commissioners noted previous testimony from Navigator that even with Moody County's ordinance, the project could still be completed. It would only be more difficult.

In addition to Navigator's motion to preempt county ordinances, Summit had previously filed a similar motion; however, on September 7, Summit Carbon Solutions withdrew their motion after the PUC voted not to override county ordinances in Navigator's hearing. As a result of this withdrawal, county

ordinances impacted by Summit Carbon Solutions will not be contested in front of the Public Utilities Commission for a potential override.

Summit Carbon Solutions Begins Permit Hearing Next Week

Summit Carbon Solutions will begin its multi-week Public Utilities Commission hearing next week (September 11). The hearing will include testimony from expert witnesses and landowners about the project. The Public Utilities Commission will examine the information and release a permit based upon PUC requirements. The Summit CO2 Pipeline is more than 2,000 miles long with almost 500 miles in South Dakota. Summit is partnering with 30 ethanol plants across Iowa, Minnesota, North Dakota, South Dakota, and Nebraska.

To learn more about the project or to listen live, please click [here](#).

Contact for Questions

Krystil Smit

SDFB Executive Director

Email: k.smit@sdfbf.org

Cell: (605) 261-2960

Matthew Bogue

SDFB State Public Policy Director

Email: Matthew@sdfbf.org

Cell: (605) 377-8833