

## Chapter 23

# Carbon Sequestration: Critical Property Rights and Legal Liabilities — Real Impediments or Red Herrings?

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### **§ 23.01. Introduction.**

The current political debate suggests that greenhouse gases contribute to global warming and climate change and the rate of growth continues at an alarming rate. Accordingly, as the thinking goes, action must be taken to curb emissions. Coal-fired power plants are significant emitters of greenhouse gases, namely, carbon dioxide, and have therefore been targeted to reduce these emissions. Carbon capture and sequestration are seen as the remedy and therefore the hot topic of the day is the ability to capture carbon dioxide and other greenhouse gases at the power plant and to sequester them in subsurface formations.

This chapter addresses three issues: First, the technology for capturing and sequestering carbon dioxide; second, the property rights necessary; and third, the potential liability from sequestration operations.