

To:

Via fax: 0049 431 988-620-9999 and email: planfeststellung@wimi.landsh.de
Ministerium für Wirtschaft, Verkehr, Arbeit, Technologie und Tourismus des Landes Schleswig-Holstein
- Amt für Planfeststellung und Verkehr –
Hopfenstraße 29
24103 Kiel

CC:

Via email: vorzimmer@stadt-brunsbuettel.de and bauamt@stadt-brunsbuettel.de
Stadt Brunsbüttel,
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25541 Brunsbüttel

Via email: amt@wilstermarsch.de
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Samtgemeinde Nordkehdingen
Hauptstraße 31
21729 Freiburg (Elbe)

10 July 2023

Statement/Objection against the permitting/construction of the LNG (liquefied natural gas) import terminal Brunsbüttel (German LNG – Gasunie/RWE/KfW)

Dear Madam / Sir,

we, the undersigned US groups, and individuals will be directly negatively impacted by the proposed LNG import terminal Brunsbüttel and object to the plans of German LNG. We explain our objection as follows:

1. Direct link between US export terminals (in particular in Texas) and proposed German import terminals in Brunsbüttel

German LNG plans to build and operate an LNG (onshore) import terminal in Brunsbüttel with an annual regasification capacity of 8-10 bcm/a.[i] The LNG infrastructure will become an integral part of the existing ChemCoast Park[ii] – highlighting, that key consumers will be energy and fossil feedstock dependent companies and not necessarily households.

Main contract partners of German LNG are the German energy company RWE, the petrochemical giant Ineos and US company ConocoPhillips which booked import rights for the LNG terminal at Brunsbüttel.[iii]

RWE also signed a Memorandum of Understanding with German state-owned bank KfW and Dutch state-owned company Gasunie for the realization of the project. KfW will acquire 50% of the shares in the LNG terminal for the Federal Government.[iv]

1.1 RWE, ConocoPhillips and Ineos contract with-Sempra Infrastructure (Port Arthur LNG)

To feed the LNG terminal at Brunsbüttel, German energy company RWE signed a contract with US company Sempra Infrastructure for the delivery of 3.06 bcm/a LNG over a period of 15 years from 2027 onwards. LNG will be supplied from the Port Arthur LNG export terminal (currently under construction) in Texas, USA.[v]

Conoco Philipps and petrochemical giant Ineos signed 20 years longterm contracts (with deliveries starting 2027) for 6.8 bcm/a[vi] and 1.9 bcm/a[vii] respectively. Ineos explicitly highlights that the US LNG - Brunsbüttel agreements are an important of their strategy to “*deliver affordable and reliable energy*” to their “*businesses and customers*”. [viii] The company also chartered two LNG tankers to deliver the LNG directly to Germany.[ix]

1.1.1 German bank loans for Port Arthur

The German banks BayernLB and the international arm of the German state-owned bank KfW-Ipex provided over €500 million in loans this year and are directly involved in the realization of the project.[x]

1.2 RWE – Woodside – Cheniere deal (Corpus Christi LNG)

Back in 2018, after the announcement of the first capacity booking contract between RWE and German LNG Terminal for Brunsbüttel[xi], RWE signed a supply agreement with the global LNG trader Woodside for US gas from Corpus Christi.[xii] According to the initial agreement, the contract expired in December 2022. However, in 2021, the companies announced a 7-year contract starting in 2025 for the supply of LNG from Woodside’s “global portfolio”. [xiii] The contracted annual supply volume of 1.14 bcm is fairly close to Woodside’s underwritten US LNG offtake volume for the Corpus Christi export terminal (which is also supported financially by German banks).[xiv] The contract volume corresponds to a maximum of 16.39 million tons of CO₂ emissions over the contracted time period.

1.1.2 German banks loans for Corpus Christi

German banks (Helaba, LBBW and KfW-Ipex) provided in total nearly €350 million for the construction of the LNG export terminal at Corpus Christi – whereas phase I and II are already operating and phase III is under construction.[xv]

1.3 Majority of direct LNG imports are already fracked US gas

The total emissions alone that would result from burning the gas from the above supply contracts over the contracted term amount to 468 million tons of CO₂equivalents)[xvi] and would be 28.6 times higher than the 2020 overall emissions of the federal state of Schleswig-Holstein (16.35 Million tons of CO₂equivalents) where the terminal shall be situated.

However, spot deliveries of US LNG would come on top of the long-term contracts. According to the German Federal Association of the Energy and Water Industry (Bundesverband der Energie- und Wasserwirtschaft – BDEW) 80% of already occurring direct LNG imports into Germany came from the USA.[xvii]

2. Fuelling global warming and threatening Germany's climate targets through fracked gas imports

According to a Climate Action Tracker analysis^[xviii] published in November 2022 as part of COP27, LNG infrastructure currently under construction worldwide, as well as additional planned infrastructure, could generate more emissions by 2030 than the International Energy Agency's Net Zero scenario allows by then. By 2050, cumulative LNG emissions could consume about 10% of the global carbon budget remaining under the Paris Climate Agreement. Current LNG expansion (especially on both sides of the Atlantic) is thus torpedoing efforts to mitigate the climate emergency.

A June 2022 report of the Environmental Integrity Project^[xix] showed that the current US LNG buildout (partially co-financed by German banks or enabled through long-term contracts with German companies) will contribute significantly to an increased global warming which already shows dire impacts on people and the environment on both sides of the Atlantic. The New Climate Institute published in March 2023 an analysis which outlined that the German LNG plans lead to a fossil fuel infrastructure overcapacity, and they also threaten Germany's national climate protection goals.^[xx]

According to the US Energy Information Agency, about 80% of the gas in the US in 2022 was shale gas extracted through fracking.^[xxi] The negative environmental and health impacts as well as human rights violations of the fracking industry are well documented^[xxii] – assumingly reasons why Germany banned fracking for shale gas. Studies and measurements also show that fracking contributes significantly to global warming.

Delivering fracked gas to German LNG terminals for up to 20 years from 2027 onwards, however, would contradict the German Climate Protection Act, which stipulates climate neutrality by 2045. Also, by 2030, Germany wants to reduce greenhouse gas emissions by as much as 65% compared to 1990.^[xxiii]

3. Air pollution, accidents, and environmental racism

A particular burden on local people is daily air pollution¹ from existing fossil fuel infrastructure (including LNG terminals).

3.1 Port Arthur

Port Arthur for example is a heavily polluted industrial cluster.

The Environmental Integrity Project outlines:

“From 2012-2016, there were 230 illegal air pollution “upset” events from industries in Port Arthur, and many of these incidents released toxic chemicals including benzene, a carcinogen, according to state records. The American Lung Association gives the local county a grade of F for air quality. Asthma rates for children here are more than twice the national average.”^[xxiv]

In a legal case brought forward by the Port Arthur Action Network (PACAN) a court acknowledged in 2022 that pollution limits for the Port Arthur LNG export terminal of Sempra Infrastructure could increase residents' health risks – and that the supplier of LNG to Brunsbüttel is using outdated emissions technology.^[xxv]

¹ Among others, by methane, benzene and volatile organic compounds.

A January 2023 report also documented, among other things, significant operational problems at the existing Cameron LNG export terminal - operated by Sempra Infrastructure (co-contractor with RWE, Ineos and ConocoPhillips). The company repeatedly failed to properly report emissions and accidents that occur regularly. Since operations began in 2019, 67 spills releasing pollutants or methane emissions to the atmosphere have been documented for the Cameron LNG terminal. The terminal also does not appear to be prepared for Louisiana's extreme weather. As a result of Hurricane Laura in 2020, operations had to be suspended. High winds also led to greenhouse gas leaks in 2021.[xxvi]

Port Arthur, in Texas, is also a prime example of air pollution from fossil fuel projects and of environmental racism that has not been addressed. According to local press reports, the city's cancer rate is higher than the national average, especially among black and Hispanic residents, who are more likely than white residents to live near industrial facilities. Yet, Port Arthur is destined to become one of the largest LNG export hubs in the country - supplied primarily by fracked gas from the Permian Basin,[xxvii] dubbed the "Permian Climate Bomb" because its exploitation torpedoes compliance with the 1.5°C climate goal.[xxviii]

3.2 Corpus Christi

US environmental groups (such as Sierra Club, Chispa Texas, Texas Campaign for the Environment, Indigenous Peoples of the Coastal Bend and the Clean Energy Coalition) have collected and documented evidence about the manifold negative impacts of the Corpus Christi LNG export terminal which we collectively deemed an [environmental injustice](#) in Texas' coastal bend.

According to a joint summary:

"Corpus Christi LNG, owned by the super-polluting fossil fuel corporation Cheniere, is a massive fracked gas "LNG" (liquified natural gas, in industry terms) facility built in 2018 that occupies over 1,000 acres of towering storage tanks, flare stacks, and tanker ships in the Port of Corpus and has an expansive 22 mile-long pipeline network.

...

Latine, Indigenous, and low-income communities that live near the LNG terminals bear the brunt of these pollution events. Corpus Christi LNG has a history of air quality violations, especially with excess flaring which burns off lots of toxic pollutants and greenhouse gases like methane. Corpus Christi has already increased its permitted flaring emissions three times and [has submitted a request for another increase](#). This pollution is not far from the communities surrounding it; people living near these plants have reported seeing flares from their windows."[xxix]

The construction of the LNG import terminal(s) at Brunsbüttel will contribute to these already unfolding negative impacts.

4. Cumulative transboundary impacts need to be assessed and addressed

The final investment decision for the Port Arthur LNG export terminal was taken in March 2023[xxx] – also enabled through the long-term supply contracts with RWE, ConocoPhillips and Ineos and supported by the KfW and BayernLB loans. Sempra Infrastructure has proven to be unable to safely operate its existing LNG export terminal, meaning that Brunsbüttel and Germany will eventually import all the related emissions and air pollution over the contracted period of at least 20 years – with dire consequences for the environment and climate on both sides of the Atlantic.

In the official documents[xxx] you clearly require the applicant (German LNG) to

“describe which environmental effects on the climate are to be expected in terms of anthropogenic climate change - in particular, the emission of greenhouse gasses (letter dated April 16, 2019, informing about the scope of the environmental impact assessment)”

and you highlight in the letter dated July 31, 2019, that

a *"preliminary assessment under emission control law"* must already be carried out in this planning approval procedure to provide *"an outlook on the approvability of the port superstructure in the procedure under federal emission control law"*. It goes on to say: *"This is intended to prevent the planning approval authority from permitting interventions that may subsequently prove to be unnecessary due to a rejection in the emission control approval procedure."*

Of particular importance in the context of this statement is also its stipulation that the preliminary assessment under emission control law must work with worst-case assumptions in terms of overall cumulative climate impacts along the supply chain.

A proper and comprehensive environmental impact assessment must assess and address the cumulative impacts of a project – in relation to its contribution to global warming and its impacts on the environment and public health. The description of the expected significant environmental effects should cover the direct and any indirect, secondary, cumulative, transboundary, short-term, medium-term, and long-term, permanent and temporary, positive and negative effects of the project.

End of May 2023 seven Gulf-based organizations petitioned the U.S. Environmental Protection Agency (EPA) to investigate and correct systematic abuse of Clean Air Act permitting standards violations in Louisiana and Texas.[xxxii] The potential human rights violations that are already occurring and are expected to take place in the future because of these projects are also enabled by the contractors and co-funders from Germany. This needs to be addressed in relation to the current application for a permit related to the LNG import terminal at Brunsbüttel.

We urge you to take our objection into account and deny the permit for the LNG (onshore) import terminal at Brunsbüttel. We also call upon you to conduct a public hearing and to give us a chance to make our voices heard at that public hearing.

Sincerely,

Signatories (Groups/NGOs)	Logos
<p>Texas Campaign for the Environment</p> <p>Signed by</p>  <p>Jeffrey Jackoby & Robin Schneider Deputy Director Executive Director</p> <p>Contact (email) jeffrey@texasenvironment.org robin@texasenvironment.org</p>	 <p>TEXAS CAMPAIGN FOR THE ENVIRONMENT</p>
<p>Port Arthur Community Action Network</p> <p>Signed by its founder</p> <p>John Beard Founder & CEO</p> <p>Contact (email): john.beard901456@outlook.com</p>	 <p>PORT ARTHUR Community Action Network</p>
<p>Chispa Texas (League of Conservation Voters)</p> <p>Signed by</p> <p>Elida Castillo Program Director</p> <p>contact (email): ecastillo@lcv.org</p>	 <p>CHISPA TX IGNITING THE MOVEMENT. ADVANCING CLIMATE JUSTICE. LEAGUE OF CONSERVATION VOTERS</p>

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