Blue Mountains Conservation Society Inc

Nature Conservation Saves for Tomorrow

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NSW Environment Protection Authority
Manager, Climate Change Policy
Climatechange.review@epa.nsw.gov.au

Dear Sir/Madam,

Submission: One submission for all 3 draft documents

- **Climate Change Licensee requirements**
- **Climate Change Mitigation and Adaptation Plans (CCMAP)**
- **Greenhouse Gas (GHG) Mitigation Guide for Coal Mining**

The Blue Mountains Conservation Society (the Society) is a community-based volunteer organisation with 900 members. Our mission is to help protect, conserve and advocate for the natural environment of the Greater Blue Mountains.In fulfilling its mission the Society advocates for the protection of the Greater Blue Mountains World Heritage Area.

Thank you for seeking feedback on the proposed draft policy documents. The Society commends the NSW EPA for investing resources to prepare these documents and offering community groups and residents the opportunity to comment.

The Society would like to comment and state their concerns.

In 2023 the NSW Government legislated emission reduction targets to ensure net zero by 2050, however the Federal and NSW Governments are currently at risk of not meeting these targets. Without urgent and meaningful reduction targets, our government is putting Australia at risk of economic distress, increased environmental disasters as well as putting people's health and lives at risk.

During the webinar explaining the draft documents[1] it was mentioned that some policies set out in these draft documents are currently insufficient and more time is needed for effective policy development. The delay of the much needed policies to control greenhouse gas emissions from licensee holders, allows companies to avoid emission reduction without any real consequences. We need more forceful, immediate action now and the three draft Plans should reflect this urgency overcoming a need to revisit some of the issues later.

As we are already behind the legislated emission reduction target, the government cannot afford to lose more time by not putting urgent policies in place.

[1] https://youtu.be/eMn_m-FdtZ8

The Society has the following points of concern:

URGENCY

As stated above, it seems that the Climate Change Licensee Requirement document lacks urgent action with deadlines well into the future. This will cause unnecessary delays for true greenhouse gas reduction targets. Urgent action is needed and there is no time for delay.

Scope 3 emissions

The proposed reforms specifically target EPA licensees that emit more than 25,000 tonnes of carbon dioxide equivalent (CO_2-e) of scope 1 and scope 2 emissions per year. Reporting on Scope 3 emissions is optional. To comprehensively account for greenhouse gas emissions, Scope 1, Scope 2 as well as Scope 3 emissions must be taken into account. It is pointless to disregard Scope 3 emissions as "not our problem" as we all live under the same roof, whether we emit in NSW or elsewhere. These emissions will still affect global warming. The NSW EPA website states the following: "*Australia, along with all parties to the Paris Agreement, aims to hold the increase in* ***global average temperatures*** *to well below 2°C above pre-industrial levels and to try hard to limit the temperature increase to 1.5°C*"; therefore Scope 3 emissions are relevant.

As Scope 3 emissions are a huge part of the problem, these emissions must be accounted for in reporting and publishing CCMAPs. Without accounting for these emissions, the real and true amount of pollution from a project is not reflected.

LOOPHOLES

The GHG Mitigation Guide draft document has loopholes, i.e. where licensees can request an exemption from a mitigation measurement if it considers that it is not feasible to implement. This is not an improvement on the current requirements, which completely defeats the purpose of putting policies in place. If the company can use loopholes, the policy holds no tangible value.

Loopholes will continue to let companies get away with polluting greenhouse gas emissions without any real consequences for them, yet the released emissions have dangerous consequences and affects our Net Zero targets as well as staying within the Paris Agreement targets.

PRIORITISING OF METHANE

The EPA is prioritising methane emissions from coal mines in these documents. This is a good step forward; however effective and enforceable measurements must be included for other greenhouse gasses such as CO_2 and nitrous oxide in agricultural industries. Nitrous oxide has a warming potential of 265 times of CO_2 within the first 100 years of its emission.

It is important to note that in NSW, the largest methane emissions arise mainly from agriculture (as well as fugitive emissions from the extraction of coal, gas and oil and its transportation)[2] and targets for methane emission reductions from agricultural licensees should also be treated as a priority.

COAL MINES

(a) Emissions from underground mines

The draft document proposes that ventilation air methane (VAM) abatement at high-emitting under-ground coal mines may be mandated; however this won't come into effect this decade, delaying GHG emissions targets. In addition, safety issues in regard to VAM have not been addressed at this point and won't be part of the document. In the future, if safety issues are a concern, licensees will be able

[2] Greenhouse gas emissions 2024 | NSW State of the Environment

to apply for exemptions, and if granted, methane abatement will be limited or non-existent. This policy should be reviewed to address all concerns, including urgency and safety issues.

Policies should reflect that venting of unabated methane must be prohibited and the mandated use of VAM from underground mines should be a matter of urgency, however this must be in place no later than mid-2027.

(b) Emissions from open cut mines

Gas drainage and flaring, as well as destruction of methane at open coal mines have not been addressed, and EPA's own expert panel on this issue recommended that surface mines should be added to the 'gas drainage and flaring requirements'.

Pre-drainage of methane must be mandated at all open cut mines.

(c) Emissions at coal mines (Scope 1), this should also apply to other industries

Proposed measurements to reduce Scope 1 emissions are insufficient and not urgent enough as the draft document is based on a weak transition from the use of diesel to electrification, the timelines are inadequate and need to be reviewed. Urgent electrification of transport by 2030 and the use of renewable energy for mine operations by 2028 must be mandated.

COMPLIANCE & GREENWASHING

The proposed requirements require licensees to submit an annual climate change report and submit a Climate Change Mitigation and Adaptation Plan on their website.

Submitting reports and publishing information on websites does not guarantee licensees will actually act as stated in their Climate Change report or on their website. This leaves room for greenwashing. How will this be monitored and enforced? If a company is found to have exceeded their emission targets, what will the consequences be? It is well known that some companies have been in breach of emission or pollution standards and gotten away with a slap on their wrist. Without holding licensees accountable, it is all meaningless.

CONCLUSION

The Society appreciates the complex and intricate issues involved in drafting these documents, however the EPA's task is to put the environment and the Net Zero targets front and center of all proposed measurements and policies. As ordered by the NSW Land and Environment Court, NSW EPA must develop policies and guidelines to ensure environmental protection from climate change.

According to the IPCC, "to limit global heating to 1.5°C, there needs to be an immediate and rapid phase-out of fossil fuels, as existing and planned infrastructure is already too much to meet the target". The IPCC calls for stopping new fossil fuel projects, phasing down existing ones, and dramatically increasing renewable energy and energy efficiency.

The Society is aware that these documents aim to reduce GHG for existing high emitting industries, however without the phasing out of fossil fuel projects, it won't be possible to stay within agreed global warming targets. This is a fact that cannot be ignored in any policy development, whether it is for existing or new high polluting industries such as the fossil fuel industry.

Therefore, clearly to meet the Net Zero Plan Target, NSW and Australia needs to STOP approving any new fossil fuel projects, or expanding existing fossil fuel project. The EPA has the power to develop strong policies setting out strict conditions to regulate this highly polluting industry. If the policies are strong enough, legislation will restrict the approval of new projects. Anything short of this, is meaningless.

The proposed draft documents are insufficient to adequately reduce greenhouse gas emissions. The Society urges the EPA to take a step back and reassess the policies to ensure the policies reflect the urgency to reduce greenhouse gas emission. These documents must state clear limits for greenhouse gas emission targets for licensees, reflecting the need to stay on track within the Net Zero plan.

Loopholes or exemptions cannot be part of these documents, it will allow licensees to disregard policies by applying their right to get exemptions or find ways around, undermining the strength of the plans.

The EPA must also ensure that there will be comprehensive emission monitoring across sectors to hold licensees accountable and enforce liability should emission reduction targets be breached. Strong and effective penalties must be in place for licensees who breach policies and targets.

Thank you for the opportunity to comment on these documents,

Yours sincerely,

Mrs Annette Cam

President Blue Mountains Conservation Society

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