



Country Women's Association of NSW ABN 82 318 909 926

Incorporated in 1931 by an Act of NSW Parliament

All Communication to be addressed to the Secretary of Maules Creek Branch

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Via email to: climatechange.review@epa.nsw.gov.au

To: NSW Environmental Protection Authority

Re: Greenhouse Gas Mitigation Guide for NSW Coal Mines – Submission

Summary of Key Points

- Current EPA greenhouse gas (GHG) guides fail to impose enforceable limits or timelines for emission reductions.
- Coal train diesel emissions remain unaccounted in Scope 1 or Scope 2 inventories.
- Blasting activities, while recorded under Blast Management Plans, are a major unquantified and unreported source of GHG emissions, including oxides of nitrogen (NOx) and other greenhouse gases.
- EPA must immediately mandate methane capture and destruction, diesel electrification, renewable power transition, and transparent accounting across all emission scopes.
- The Guides enable “business as usual” through deferrals and loopholes contrary to Section 45 of the *Protection of the Environment Operations Act 1997* (POEO Act).
- No accounting or mitigation of raw methane venting at Narrabri Underground Mine, despite years of undertakings to reduce emissions.
- No measurable progress on reducing diesel emissions from mining fleets or static plant.

Submission

The Maules Creek Branch of the Country Women’s Association of NSW makes this submission on the three draft policy documents currently on exhibition:

1. the Climate Change Licensee Requirements,
2. Climate Change Mitigation and Adaptation Plans, and
3. the Greenhouse Gas Mitigation Guide for NSW Coal Mines.

Once again, we wish to bring to the attention of the NSW Government the huge toll placed on our community who today, on the October Public Holiday are compelled to spend our day indoors repeating matters already known to the Government.

These draft documents are wholly inadequate to drive the urgent decarbonisation needed in the coal sector. They do not impose new obligations or timelines. Instead, they legitimise delay and entrench business-as-usual operations through exemptions, deferred requirements, and voluntary targets. We consider these efforts as shameful window dressing which obscures the grave risks at stake.

Mining companies repeatedly state that they “work on compliance”. If an emission reduction is not explicitly mandated as a licence or approval condition, they will not act. Therefore, the EPA must translate its policies into binding, enforceable conditions if we are to drive visible progress in mitigating greenhouse gases.

If a polluter, pollutes, it must be accountable, transparent and fully fund the action. These EPA guides and documents must be updated to reflect the disconnect between the EPA’s statutory obligation to enforce the Polluter Pays Principle, and the lack of evidence-based Greenhouse gas accounting. It is unfair to expect families and other sectors of NSW to meet target yet allow mining to wait for the “long term.” These guides by their business as usual at NSW coal mines approach, unfairly shift responsibility onto the non-mining sectors.

We say managing these issues is very much the requirement of the NSW EPA in its licensing role.

Examples from the Namoi Region

- **Boggabri Coal (Idemitsu Resources) and Maules Creek Coal (Whitehaven Coal) Mines** are both seeking multi-decade extensions without any substantive plan to reduce emissions. Their own assessments acknowledge that no improvements in fuel efficiency or electrification will occur before 2030.
- **Narrabri Underground Mine (Whitehaven Coal)** continues to vent raw methane directly to atmosphere, making it one of the highest methane emitters in NSW. Despite earlier undertakings - enshrined in the mine’s conditions of consent - to explore ventilation air methane (VAM) oxidation and gas capture, no progress has been achieved or reported.
- **SANTOS Narrabri Gas Project** which has several coal seam gas wells in operation and concerns about leaks at CSG wells have been highlighted by community monitoring including thermographic imaging by Australian Conservation Foundation in conjunction with the community’s Gas Watch initiatives, as well as the weakening of pipeline leak reporting by the NSW Department of Resources in line with the Australian Gas Pipeline Code of Practice changes which reduced the obligation of SANTOS (or other gas

companies) to report to the EPA. Also, the fact that gathering lines are not included in the Code of Practice obligations.

- Static diesel sources, such as generators and crushers, remain unregulated under EPA climate policy.
- Diesel train emissions hauling coal to Newcastle (integral to the ongoing operations of mining) are not included in mine reporting yet form a significant component of total fuel combustion emissions.
- Blasting is a major unacknowledged source of greenhouse gases. While all mines must record blast details under their Blast Management Plans, these records are not integrated into GHG inventories. Oxides of nitrogen and nitrous oxide (N₂O) from blasting are potent greenhouse gases but are neither quantified nor regulated other than through the self-reporting of mines in the National Pollutant Inventory despite their cumulative contribution across hundreds of blasts annually.

Regulatory Gaps and Needed Actions

- Ban unmitigated methane venting from underground coal mines, with mandatory VAM capture and utilization beginning 2027 and extending to all sites by mid-2028.
- Include open-cut mines in methane drainage and destruction requirements, as recommended by the EPA's expert panel.
- Mandate mine fleet electrification, achieving 50% by 2030 and 70% by 2035, and require all operations to transition to renewable electricity by 2030.
- Account for diesel emissions from all onsite and offsite mining logistics, including coal haulage trains.
- Integrate blast-related emissions into GHG accounting, requiring annual reporting of explosive consumption, blast frequency, and emission factors. This includes removing the exemption of "smaller" blasts from being reported.
- Remove exemption language that allows companies to claim "infeasibility" and avoid action.
- Address Scope 2 and Scope 3 emissions, following the NSW Court of Appeal's Mt Pleasant Case ruling recognizing downstream emissions as relevant to development assessment.
- Reporting of leaks must be strengthened, and the standard should exceed the very poor reporting requirements made under the (2024?) amendments to the pipeline Code of Practice.

Methane

As regards methane specifically, in 2023, members of our community at Maules Creek Community Council (MCCC) challenged the EPA's review of the Maules Creek Coal Mine's EPL in the Land and Environment Court. The case argued that the EPA failed to: Consider the emissions of harmful pollutants, including methane (CH₄) and fine particulate matter (PM_{2.5}). The Maules Creek Case was ultimately a clarification of the limits of the EPA's remit and a public interest test of the system.

Although the court ruled that the EPA had not legally failed in its duty, finding it had "considered" the factors, the case exposed the limits of relying on EPLs alone to protect communities from pollution. It also revealed that, under current laws, major polluters like Whitehaven Coal are not required to reduce emissions beyond existing licence conditions, even when those conditions are inadequate to protect public health.

Judge Brian Preston acknowledged that, legally, the EPA had met its minimum obligations. But as a matter of policy and public interest, this is not enough. The EPA's minimal legal compliance does not equate to effective environmental regulation.

Expansions of current mines beyond 2025

Boggabri and Maules Creek mines both are applying to expand do not intend to change their practice unless it is required by mandated, enforceable, licence conditions imposing GHG emissions limits. See the following statements by the respective mines:

1. Boggabri Coal as approved states: *"GHG emissions associated with operation of BCM are well understood.... MOD 8 Amendment. ... **calculations do not consider the likelihood of increased renewable energy usage or potential improvements to vehicle efficiency in the future** (for example, through electrification or alternative fuel sources)."*

This is despite an increase to the BCM operation's equipment fleet, for example at BCM (at Mod 8) this will include 10 excavators and 73 trucks.

Bailey, J. (2021) APPENDIX B, AIR QUALITY & GREENHOUSE GAS, IMPACT ASSESSMENT Boggabri Coal Mine Modification 8 Amendment, Air Quality and Greenhouse Gas Assessment Final Report.

2. Maules Creek Coal Mine as approved stated it will do nothing about emissions abatement before 2030.

*"WHC are investigating technologies to reduce diesel emissions in the short term, including technologies to improve operational efficiencies and investigating diesel substitution options. For the longer term... **WHC do not anticipate low-carbon truck electrified solutions suitable for our open cut mines to be commercially available before 2030.**" (MAULES CREEK COAL MINE 2024 ANNUAL REVIEW, p. 27)*

Quite literally, they have no plans to improve their operations and are complacent about admitting it.

Public Interest and EPA's Mandate

The EPA's mission under the POEO Act is to protect human health and the environment. Allowing continued methane venting, diesel combustion, and unaccounted blasting emissions is inconsistent with that mandate. Failure to act undermines the EPA's Mission and the public Interest.

Failure to act undermines the EPA's Mission and the public Interest: The state has now approved all seven coal mine expansion proposals, and methane emissions from existing mines are projected to rise through to 2030. This approach stands in direct conflict with NSW's legislated climate targets. The people of NSW deserve and expect strong environmental leadership and timely action from the EPA to halt and reverse GHG emissions, not delays, loopholes, and deference to industry.

If this weak approach continues, it will shift the environmental, economic, and social burdens of coal mining onto communities, particularly in regional and food-producing areas, and ultimately to everyday consumers already experiencing the impacts of climate change. This path undermines intergenerational equity, water security, and the long-term survival of ecosystems and communities.

Communities near Maules Creek, Boggabri and Narrabri bear the health and environmental burden of these emissions - while the guides, as drafted, shift responsibility away from industry and onto households and the agricultural sector striving to meet net-zero targets.

Conclusion

The EPA must act in the public interest, not in the interest of maintaining business-as-usual for coal companies at the expense of its own statutory obligations. Communities across NSW are already suffering the impacts of climate change, and further delay in addressing emissions from coal mining is unacceptable.

The EPA must show leadership and ensure the polluter pays principle is meaningfully applied.

- Implement binding, reviewable emission limits for every mine.
- Mandate methane capture and blasting emission accounting.
- Require diesel and electricity transitions within this decade.
- Enforce compliance through transparent public reporting and penalties for inaction.

Our communities cannot wait until 2030 or beyond. The time for enforceable reduction is

now, to protect regional health, water, and climate stability. We are disappointed to read that the EPA withheld a report about lead toxicity in the town of Broken Hill because industry is “uncomfortable” about the information being publicly disclosed. The EPA needs to start thinking less about whether industries – as in the case of GHG emitters we speak of above – are “uncomfortable” about the truth being publicly known, and more about fulfilling its statutory obligations. Ensuring the property accounting for GHG gases, licensing fees and penalties so that they reflect Polluter Pays is at the core of our submission.

Thank you for the opportunity to make this submission

Yours sincerely

Maules Creek Branch of the Country Women’s Association of NSW