

TO: EPA NSW

FROM: Julie Marlow

SUBMISSION to the EPA's proposed requirements for NSW's large greenhouse gas emitters.

- Climate Change Licensee Requirements
- Climate Change Mitigation and Adaptation Plans
- Greenhouse Gas Mitigation Guide for NSW Coal Mines.

It is of great importance that EPANSW has acknowledged: "Methane warms the atmosphere faster than carbon dioxide"; its proposed requirements must "... apply to around 10% of our environment protection licensees, who account for around 50% of all NSW Scope 1 emissions"; and thus must "... priorit[ise] reducing methane from coal mining".

The EPA's aim is duly appropriate: "The requirements are for licensees that emit 25,000t or more of CO<sub>2</sub>-e of Scope 1 and Scope 2 emissions per year. Our aim is to drive emissions reductions across NSW, improve emitting practices and the transparency of greenhouse gas data and climate actions by our licence holders."

What is extremely disappointing is the failure of the EPA to actually follow-through and make adequate use of what it acknowledges, and do justice to its aim.

**What this revision of licence requirements must achieve:**

--EPA must set, and exercise its authority to enforce, time-lined limits on coal mines' CO<sub>2</sub>-e emissions. Without mandated emissions limits, the revised requirements have no teeth. NSW is heading towards failing its legislated emissions reduction targets. These targets— at least 50% by 2030 and at least 70% by 2035—are modest. It would be grossly irresponsible of the state should we fail to achieve them.

--EPA must recognise that setting emissions limits is an urgent not, as it claims, a 'long-term' matter. This claim is baseless. We—the world, our state—haven't got a 'long term'! Many climate scientists suspect we already have missed the 1.5 degree centigrade global warming threshold and in all likelihood have no more than 5 years to avoid going beyond a 2 degree rise. The EPA must acknowledge that we are in a climate crisis and act accordingly. Emissions generated by coal mines, especially methane from both operating and closed mines, is a major threat for the immediate future.

-- The EPA's Mitigation Guide must impress on its licensees that substantial abatement of both methane and diesel emissions is essential and should be made a condition of licence.

--The EPA must acknowledge the weakness of its warning in the Guide that high-emitting underground mines may be legally obliged, come 2030, to implement methane emission abatement. This is no more than a persuasive gesture and will achieve little.-Also hard to comprehend is the EPA's admission that it does not intend to resolve safety issues with the 'Ventilation Air Methane' method of abatement until 2028, adding 2 years to the '2030' warning and, should the safety issues be irresolvable, adding many more years.

--EPA must stipulate the necessity for open-cut mines to implement gas drainage and destruction.

--EPA must make electrification of coal miners' diesel engines a licence requirement. Vehicle electrification is an obvious means of emissions reduction and companies have had ample time to do it.

-- EPA must oblige miners to reduce their overall electricity use.

--EPA must desist from allowing what amounts to polluter self-regulation, that is, permitting miners to apply for exemption should they decide that a pollution reduction measure is 'not feasible'. This is an inexcusable leniency at a time of pollution crisis.

--EPA must oblige coal mines to take responsibility for their Scope 3 emissions, given the recent decision of the NSW Court of Appeal for emissions generated by coal-fuelled power stations are a matter for development assessment.

### **Conclusion**

The EPA has an essential role in ensuring that our state meets its emissions reduction targets, as well as adapting those targets to scientific prediction as the current decade approaches its end. I appeal to EPA decision makers to consider this revision of licence requirements and associated penalties as their penultimate opportunity to fulfil its role.