

7 October 2025

Dear NSW EPA,

RE: Greenhouse Gas Mitigation Guide for NSW Coal Mines submission

I am making one submission on the three draft policy documents currently on exhibition:

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

My feedback is as follows:

The Maules Creek Community Council vs NSW EPA Case in 2023-24 exposed:

- the limits in the effectiveness of NSW EPA's coal mining licencing in regulating emissions,
- that neither the EPA nor Maules Creek coal mine contested the fact that fine dust and methane were harmful pollutants, and that
- the case was in the public interest.

The NSW EPA is the State lead environmental regulator, and it must become effective. It must perform its duty to regulate methane emissions and other pollutants that are harmful to human health and to the climate and this requires changes to the three draft policies.

The Greenhouse Gas (GHG) Mitigation Guide and associated documents are currently inadequate to address the urgent need to reduce emissions from coal mining in NSW.

The Mitigation Guide fails to:

- Set limits on emissions in Environment Protection Licences for coal mines
- Require Ventilation Air Methane at underground mines as soon as possible
- Require methane drainage at open cut mines, and
- Mandate rapid electrification of mine vehicles to reduce diesel emissions

These failures will hold up significant abatement of direct emissions from either methane pollution or diesel emissions at coal mines *this decade*, which is the critical period for avoiding dangerous tipping points- this must change.

The policy documents must focus on leadership and driving significant reductions that are transparent and enforceable including:

- Actions to reduce and limit greenhouse gas emissions from coal mines in NSW.
- Changes to ensure the sector's emissions trajectory is reducing.
- Reductions in methane emissions from existing coal mines which are predicted at this stage to increase to 2030.
- Actions to ensure all coal mines' emissions sources are fully regulated without delay.
- Removing the business-as-usual words creating exemptions and deferrals.
- Delivery of the urgent change that is needed to prevent NSW breaching legislated emissions reduction targets of at least 50% by 2030 and at least 70% by 2035.
- The NSW EPA must now impose enforceable limits and timelines for emissions reductions.
- The NSW EPA must address the gaps and make changes to the documents.

The NSW EPA must act on its duty to regulate pollutants to protect communities, health and climate for now and future generations.

To do this, the **Climate Change Licensee Requirements** must be amended to include:

- ensuring the NSW EPA does not extend the ability of coal miners to avoid regulating the emissions of harmful pollutants, including Methane (CH₄), and other greenhouse gases; and PM_{2.5}s, dust particles so fine that when inhaled they can enter the blood stream and cause cardio-vascular disease.

- Mandated inclusion of enforceable, reviewable limits on greenhouse gas emissions, especially methane, from every NSW coal mines as a matter of urgency. These should be gross emissions limits that exclude offsets.
- NSW EPA must ensure emissions reduction in the coal mine sector and enforce compliance through transparent public reporting and penalties for inaction.
- The coal mine emission reduction targets should be directly reflected in individual coal mines' Environment Protection Licences. These would increase over time in accordance with the statewide sectoral target to keep emissions below the low emissions scenario.
- The Licensee Requirements must be amended to ensure that the NSW EPA does impose GHG emissions limits on facilities via Environment Protection Licences in the short term, consistent with the NSW EPA's own expert panel's conclusion.

The NSW EPA must serve the public by changing the trajectory from increasing emissions- to reducing and going downwards in the short term and long term. The Guide must be amended to ensure that:

- Enforceable, reviewable limits should be placed on emissions of greenhouse gases, especially methane, from NSW coal mines now. These should be gross emission limits that exclude offsets.
- Any existing or new coal mines or coal mine expansions must not be given exemptions or delays to implementation of imposed GHG emissions limits on facilities.
- Mandated methane capture and blasting emission accounting.

Greenhouse Gas Mitigation Guide for Coal Mines enables the NSW EPA takes up its environmental pollution regulatory role and ensure a decrease of direct emissions from both methane pollution and diesel emissions at coal mines. To do this, the Guide must at least:

1. Impose clear, enforceable rules banning the release of unmitigated methane from underground coal mines, requiring the capture and use of Ventilation Air Methane at the highest-emitting sites starting in 2027, and extending this obligation to all other underground mines by mid-2028.
2. Require all open-cut coal mines to implement methane pre-drainage measures.
3. Establish a clear timeline for transitioning mine vehicles to electric, mandating at least 50% electrification by 2030 and 70% by 2035, along with a requirement for all mining operations to switch to renewable electricity no later than 2030.
4. Eliminate the proposed loophole that would allow coal companies to sidestep compliance, as it would completely undermine the integrity of the Guide, and enforce strong, clear and binding penalties for non-compliance.
5. constrain the downstream Scope 3 emissions that occur when coal from mines is burnt in power stations either here in Australia or overseas, as it was determined in the NSW Court of Appeal in relation to the Mt Pleasant Coal Mine, that downstream emissions are within scope of development assessments.
6. Manage Scope 2 emissions - ensure that reduction in electricity emissions at coal mines (Scope 2 emissions), e.g. using renewable energy.

The NSW EPA has a duty to protect the environment. It's Key Licencing and Regulation Objective: The Polluter Pays Principle, i.e. "Those who generate pollution and waste should pay for it," must inform these policies.

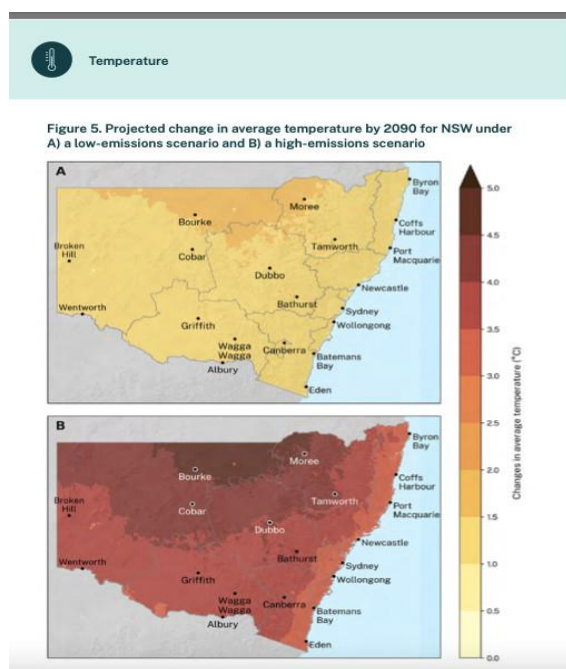
<https://www.epa.nsw.gov.au/Licensing-and-Regulation/Regulation/Regulatory-framework>

In the Namoi region we have six current coal mines and one gas field. In the case of Maules Creek we have three neighbouring coal mines. Boggabri Coal and Maules Creek Coal mines have applied to expand beyond the current mine site and approval closure dates. Both expect to continue for almost 20 years until 2045. Both do not intend to voluntarily change their GHG emissions management practices. On current licences, there will be minimal action to reduce greenhouse gases: for example,

Boggabri Coal as approved will increase its tonnage and equipment fleet to include 10 additional excavators and 73 trucks yet does 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)." APPENDIX B, AIR QUALITY & GREENHOUSE GAS, IMPACT ASSESSMENT, Boggabri Coal Mine Modification 8 Amendment, Air Quality and Greenhouse Gas Assessment Final Report.

Maules Creek Coal Mine as approved stated it will not abate emissions 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)

The government has effectively allowed business as usual at NSW coal mines and these guides are full of language and outs causing exemptions and delays that will not deliver the urgent change that is needed to prevent NSW breaching legislated emissions reduction targets of at least 50% by 2030 and at least 70% by 2035. NSW has approved the last 7 coal mine expansions that have been proposed and have done nothing concrete to reduce methane emissions from existing coal mines which are predicted at this stage to increase to 2030. These documents as is, will not change that high emissions trajectory leading to higher average temperature scenario as mapped below.



NSW Climate Data Portal and the NSW Climate Change Adaptation Action Plan 2025-2029
climatechange.environment.nsw.gov.au

Reducing greenhouse gas emissions from coal mines and gas fields is crucial.

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 mage: Department of Climate Change,
 Energy, the Environment and Water (2024)
 Parramatta,
<https://www.climatechange.environment.nsw.gov.au/sites/default/files/2024-08/NARClIM2-Snapshot-NSW.pdf>

To avoid further harm to the environment, community, health and climate it requires the NSW EPA to assume its duty and effectively implement its role as lead regulator and set enforceable, transparent, reviewable processes and limits on coal and gas mine pollutants including PM 2.5 and greenhouse gas emissions without delay. Effectively regulating emissions will ensure a change in emissions trajectory and a decrease of harmful emissions. The Maules Creek Community Council vs the NSW EPA case outcome "...agreed that [dangerous fine dust] PM 2.5 and methane are harmful pollutants, and it was agreed the EPA is required to regulate them," (ABC News 19/7/24).

I urge the NSW Environmental Protection Agency to follow through. The NSW EPA objectives and intergenerational equity enable the agency to take government policy to a level where it will protect the environment, people, climate and meet legislated targets first.

Thank you for the opportunity to make a submission.

Yours sincerely

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