Dear EPA Team,

I would like to provide feedback on the Climate Change Licensee Requirements, reference: https://yoursay.epa.nsw.gov.au/climate-change-licensee-requirements

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.

Overall impact of documents – key points

Overall, these documents, and the Greenhouse Gas (GHG) Mitigation Guide in particular, are completely inadequate to urgently reduce and limit greenhouse gas emissions from coal mines in NSW.

These documents effectively allow business as usual at NSW coal mines and contain loopholes 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.

In relation to the Climate Change Licensee Requirements – key points

The major failing of the Licensee Requirements is that the EPA state that they will not impose GHG emissions limits on facilities via Environment Protect Licences in the short term. This is described as a long-term action that will not be implemented in the short term.

This is completely unacceptable. The NSW EPA's own expert panel found that "*....the panel's view is that it will be hard for the EPA to ensure mines actually reduce emissions in the absence of emission limits.*"

Enforceable, reviewable limits should be placed on emissions of greenhouse gases, especially methane, from NSW coal mines as a matter of urgency. These should be gross emissions limits that exclude offsets.

The NSW EPA should also work with the Net Zero Commission to establish a sectoral target for coal mine emissions reduction to 2030 and 2035 that are consistent with a 1.5 degree of warming pathway. These targets should then drive the limits on emissions included in Environment Protection Licences which increase over time in accordance with the statewide sectoral target.

In relation to the GHG Mitigation Guide for Coal Mines – key points

Overall summary of failings

The Mitigation Guide fails to drive any significant abatement of direct emissions from either methane pollution or diesel emissions as coal mines *this decade*, which is the critical period for avoiding dangerous tipping points.

In relation to methane emissions from underground mines

The Guide proposes that the EPA *may* mandate ventilation air methane (VAM) abatement at high-emitting underground coal mines in NSW, but not until July 2030 and then only for mines that will operate beyond July 2032. They have also flagged uncertainty about VAM abatement safety issues which they don't plan to resolve until 2028. This means the best case scenario is very little abatement by 2032, and the worst case scenario is very little at all well beyond 2032 if they decide that 'safety issues' means they won't require VAM abatement.

In relation to methane emissions from open cut mines

The Guide does NOT require gas drainage and destruction of methane at open cut coal mines, even though the EPA's own expert panel on this issue recommended 'adding surface mines to the gas drainage and flaring requirements'.

In relation to emissions from diesel engines at coal mines

The EPA's does NOT require electrification of diesel engines at coal mines and proposed diesel actions place no pressure on coal miners to reduce Scope 1 diesel GHG emissions this decade and are likely to facilitate an increase in diesel emissions because the draft Guide's measures until 2035 are based on shifting a percentage of fuel used to low carbon alternatives, but do not constrain total fuel use.

Other major failings of the Guide

Exemptions - The Guide sets out a pathway where a company can seek an exemption from a mitigation measure if it decides 'it is not feasible to implement'. This is a massive loophole which directly mimics the current requirements that measures 'must be reasonable and feasible' which has held back any action for the last 10 years.

Downstream Scope 3 emissions - The Guide does not contain any guidance on how to constrain on the usually very large downstream Scope 3 emissions that occur when coal from mines is burnt in power stations either here in Australia or overseas, despite a recent decision by the NSW Court of Appeal in relation to the Mt Pleasant Coal Mine which recognised downstream emissions as within scope of development assessments.

Scope 2 emissions - The Guide fails to include any requirements for reducing electricity emissions at coal mines (Scope 2 emissions), despite them being the easiest of category to abate by requiring renewable energy is used. Instead, the Guide merely says that EPA will look at this issue 'later'.

The Guide needs to be drastically amended to require the following:

1. Strict requirements that prohibit venting of unabated methane from underground mines, mandate use of Ventilation Air Methane at highest-emitting underground mines from 2027 and at other underground mines from mid-2028.
2. Mandate pre-drainage of methane at all open cut mines.
3. Set an ambitious schedule for electrification of vehicles at coal mines that requires at least 50% electrification by 2030 and 70% by 2035 and require all mines to utilise renewable energy for electricity by 2030 at the latest.
4. Remove the proposed exemption to allow coal companies to avoid requirements because it will completely undermine the whole Guide and set strong penalties for failure to comply with it.

Thank you for your consideration.

Kind regards,
- Tommy Wiedmann -