



Function Area	Ref	Function	Mandatory	Comments
Offset requirements	Clause 63(2)	The Regulator must procure and surrender the offset units required to be procured and surrendered by an LTES operator who made a payment under clause 62(3) instead of procuring and surrendering the offset units	Y	<p>The EPA has not needed to undertake this function to date.</p> <p>The EPA is working closely with the Office of Environment and Climate Change and the Scheme Financial Vehicle to ensure a straightforward and effective process is established, to enable the transfer of funds between the relevant parties to allow offsets to be procured and surrendered when required.</p>
Calculations	Clause 64	Prescribes the requirements for the Regulator to make a calculation under Part 12, Division 3 of the regulations	Y	<p>The EPA has not needed to undertake this function to date.</p> <p>The EPA has developed a new webpage which outlines its role and functions under Part 12 of EII Regulation. The webpage includes details about the EPA's functions, including the requirement to undertake calculations under Part 12 Division 3 of the EII Regulation. The EPA's webpage can be found here:</p> <p>https://www.epa.nsw.gov.au/your-environment/climate-change/firming-infrastructure</p>
	Clause 65	Prescribes the requirements for the Regulator to calculate emissions intensity and offset units.	Y	<p>The EPA has not needed to undertake this function to date.</p> <p>The EPA has prepared a draft guide that outlines the EPA's and firming infrastructure operator's roles and responsibilities under Part 12 of the EII Regulation. The draft guide sets out how the EPA will calculate emission intensities (for the NSW Grid and firming infrastructure facilities) and offset requirements – to ensure we meet our responsibilities under clause 65. The EPA publicly consulted on the draft guide for 3 weeks until 15 September 2023. The draft guide is available on the EPA's website and it will be finalised in October 2023.</p>

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Calculation method	Clause 66	<p>The Regulator must develop a methodology for calculating emissions intensity and offset units.</p> <p>The Regulations prescribe the requirements of that methodology.</p>	Y	<p>As mentioned above, the EPA has prepared a draft guide that outlines both the EPA and firming infrastructure operator's roles and responsibilities under Part 12 of the EII Regulation. It includes the methodology for calculating emissions intensity and offset units. The draft guide is available on the EPA's website and it will be finalised in October 2023.</p>
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