



**The Regional Municipality
of Durham**

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**Ramesh Jagannathan, P. Eng.
Commissioner of Works**

Submitted online via ERO Website

February 2, 2026

**RE: Durham Region comments on the new regulation to
focus municipal environmental assessment requirements
([ERO #019-7891](#))**

On behalf of the Regional Municipality of Durham ("the Region"), thank you for the opportunity to comment on the new regulation intended to streamline the Environmental Assessment (EA) process for municipal infrastructure projects.

As a proponent, the Region is generally supportive of the proposed regulatory changes under the Environmental Assessment Act that will help us deliver critical public works infrastructure more efficiently, enable strategic growth, promote investment, and align Regional infrastructure with our Strategic Plan priorities of sustainable, healthy and connected communities. We encourage the release of the final regulation and associated guidelines so that the Region can apply the benefits to crucial upcoming infrastructure projects, while continuing to ensure environmental and other considerations are appropriately addressed and mitigated.

To ensure that intended time savings are realized, we have highlighted opportunities to create additional guidance that promotes consistency on key issues, while respecting municipal jurisdiction and expertise.

Accelerating growth-related infrastructure

The Ministry's proposal clarifies requirements for projects with approved Municipal Class Environmental Assessments (MCEA).

When changes are made to the project or if the project has not substantially proceeded within 10 years, the addendum provisions in the streamlined EA process apply. We request further clarity, particularly regarding transportation projects, as all new road projects either have no EA Act requirements or are only required to complete the archaeological assessment process (AAP). **These already completed MCEAs should either have no addendum requirements, or should only be required to prepare an addendum to align with the new AAP.** This avoids impeding timelines on critical projects for which we have already completed a MCEA.

The Region also recommends that private sector proponents of municipal infrastructure projects be provided guidelines designed by municipal organizations on engaging upper and lower-tier municipalities, particularly where their work does not trigger the Municipal Project Assessment Process (MPAP). This will ensure local input, support, and alignment with local and Regional municipal infrastructure priorities and plans. An example would be for a new arterial road that can evolve outside of a Planning Act development process (subdivision or secondary plan area), with different developers and even non-developer landowners. A guideline in such cases would help ensure coordination and that alignment alternatives and the preferred alignment are reviewed beyond just one Planning Act process.

As a regional municipality covering eight local area municipalities that include areas of Regional interest (Regional roads, transit, active transportation, etc.), we aim to ensure a clear approach to community and stakeholder engagement for area municipal proponents while ensuring the time savings are realized. The Region will continue leveraging best practices shared by the Municipal Engineers Association for projects not subject to the new EA streamlined process, and we expect our area municipal proponents to do the same. **We request that additional guidance and resources be provided regarding integration with the Planning Act process.**

Environment and climate

The Region is supportive of efforts to streamline the environmental assessment process provided safeguards and oversight remain in place to ensure environmental and other impacts are assessed and appropriately mitigated, to ensure projects are resilient to intensifying climate extremes.

Future guidance on MPAP implementation should provide resources to ensure a consistent and agile approach to current and future states of climate mitigation. We will continue to support an early, multi-agency technical input process to understand cumulative effects of infrastructure projects to our groundwater, watersheds and ecosystems.

Transportation projects

For transportation projects, Durham Region expects to realize significant time and cost savings for road projects that would have been previously completed under a Schedule B or C MCEA. Under the new regulation, transportation projects have no EA Act requirements or are only required to complete the AAP. Accordingly, the Region will use the flexibility provided by these changes to tailor the scope of the EA work to move key projects forward.

Indigenous rights and partnerships

The Region is committed to building and strengthening respectful relationships with Indigenous communities, taking a proactive approach to engagement. When determining whether archaeological and environmental impacts are anticipated, the Region collaborates to understand Indigenous perspectives and establish mitigation strategies. We appreciate the Ministry providing materials such as community partner lists for archaeological assessments. Additionally **providing clear documentation on consultation and engagement expectations would support a smooth, consistent and transparent process for all partners.** The Region also supports opportunities to ensure communities can engage meaningfully.

Water and Wastewater

For water and wastewater projects that would follow the MPAP, the Region supports the intent behind the proposed changes. We do expect that some of the scheduling benefits that are identified in the ERO posting may be optimistic, since the background work, including studies and consultation, are still required in advance of issuing the draft summary report.

For water and wastewater projects that are exempt from the MPAP under the revised legislation, we expect to continue leveraging best practices shared by the Municipal Engineers Association. This allows us to optimize capital funding, helps us respond to potential public challenges during design or construction and establish a well-scoped design basis with fewer significant changes in scope. In our view, this proactive approach will help reduce the risk of project delays and deliver essential public infrastructure quickly.

We appreciate the Ministry's consideration of our recommendations, which are intended to provide further clarity and ensure the intended time savings from a streamlined EA process are realized.

Sincerely,



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Commissioner, Works

c.

Sandra Austin
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