

MINISTER OF TRANSPORTATION'S
REPORT TO THE LEGISLATIVE ASSEMBLY FOR 2001
ON THE TRANSPORTATION OF DANGEROUS GOODS ACT (1990)

INTRODUCTION

The Northwest Territories' Transportation of Dangerous Goods Act, 1990 came into effect on August 1, 1991. The TDG Act is the territorial complement of the federal Transportation of Dangerous Goods Act. Where the federal legislation applies to the transportation modes subject to its jurisdiction (i.e., air marine, rail, pipeline and inter-provincial/territorial trucking), the territorial Act applies to intra-territorial trucking operations. In the interests of consistency and national uniformity, the territorial Act invokes the federal regulations pursuant to the federal Act. In this way, hazardous cargoes moving in Canada from one mode of transportation to another and/ or between jurisdictions are always subject to the same dangerous goods regulations.

Section 62 of the TDG Act requires the Minister of Transportation to table an Annual Report in the Legislative Assembly. It reads as follows:

62. (1) The Minister shall, in respect of the administration of this Act and the Regulations in a year, cause to be prepared a report describing any:

- a) permit issued under subsection 4 (1) ;
- b) application made under subsection 7 (1);
- c) amendment, cancellation or suspension of a permit under paragraph 10 (d) ;
- d) order issued under subsection 31 (1) ;
- e) report made under subsection 34 (1) ;
- f) directive issued under subsection 35 (1) ;
- g) appeal commenced under section 36 ;
- h) action taken by the Government of the Northwest Territories for the recovery of reasonable costs and expenses under section 38 ;
- i) proceedings instituted in respect of an offence under this Act of the regulations ;
and
- j) conviction for a contravention of this Act or the Regulations.

(2) The Minister shall table the report referred to in subsection (1) at the first session of the Legislative Assembly after the expiry of the year that is the subject of the report.

PROFILE OF DANGEROUS GOODS ON NORTHWEST TERRITORIES
HIGHWAYS

The Department of Transportation's Road Licensing and Safety Division currently employs 10 Highway Transport Officers who weigh and inspect motor carrier traffic reporting to its weigh scale facilities at Enterprise, Inuvik and Fort Liard. On road

monitoring of motor carrier traffic is also conducted by the Highway Transport Officers on mobile patrols in all regions. Highway Transport Officers are trained and designated as Dangerous Goods Inspectors.

The Enterprise Weigh Scale handles the majority of traffic travelling on the NWT highway system. This facility, which may be open for 24 hours a day seven days a week, was open for approximately 50 percent of available time in 2001. While the scale is open, the officers on duty record the types and approximate quantities of dangerous goods moving through their facility by noting the placards and product identification numbers affixed to the vehicles. The volume of specific dangerous goods is determined by averaging the volume for each vehicle configuration and product. Almost all dangerous goods passing through the Enterprise Scale originate in Hay River or south of the Northwest Territories boundary. In 2001, 15,122 loaded transports reported to the Enterprise scale for inspection. Of these 5,975 were transporting dangerous goods. According to these figures, about 40 percent of the loaded transport trucks travelling on Northwest Territories' highways are carrying dangerous goods. Hydrocarbon fuels account for the majority of dangerous goods traffic on the highway system.

The following table lists the dangerous goods most commonly carried by truck transports in the Northwest Territories. These quantities are based on the traffic flow through the Enterprise Weigh Scale.

Commodities	Quantities
Fuel Oil/ Diesel – Heating	198,835,650 Litres
Gasoline – Automotive	20,406,900 Litres
Aviation Fuels	29,550,100 Litres
Propane	15,189,000 Litres
Ammonium Nitrate	760,400 Kilograms
Sodium Cyanide	962,000 Kilograms
Explosives	104,000 Kilograms

PERMITS – 4(1), APPLICATIONS- 7(1) and AMENDMENTS 10(d)

The sections of the TDG Act dealing with permits, applications for permits and their amendment read as follows:

4(1) The Minister may, in accordance with this act and the Regulations, issue permits exempting the transportation of dangerous goods from the application of this Act or the regulations.

7(1) Subject to subsections (2), an application for a permit and a permit must be in writing in a form approved by the Minister.

10. The Minister may

(d) amend, cancel or suspend a permit where the Minister believes on reasonable grounds that the person holding the permit for his or her employees or agents have contravened this Act of the Regulations or a term or condition imposed on the permit.

There were no applications for permits and none were issued, amended, cancelled or suspended in 2001.

ORDERS– 31(1)

Section 31(1) reads:

31.(1) an inspector may issue an order, in accordance with subsection (2), to the owner or person in charge of the dangerous goods from a container, packaging or vehicle transporting the dangerous goods;

- (a) there is occurring or has occurred a discharge of the dangerous goods from a container packaging or vehicle transporting the dangerous goods;
- (b) there is a reasonable likelihood of a discharge of the dangerous goods from any container, packaging or vehicle transporting the dangerous goods; or
- (c) the dangerous goods are being transported in contravention of this Act of Regulations.

There were no formal, written orders issued in 2001.

SPILLS– 34(1)

Section 34 of the Act pertains to the response to spills of dangerous goods. It reads:

34. (1) Where there is a discharge of dangerous goods from a container, packaging or vehicle transporting dangerous goods, or there is a reasonable likelihood of such a discharge occurring, the person who owns or has charge of the dangerous goods at the time shall, as soon as possible in the circumstances:

- (a) in accordance with the regulations, report any discharge to and inspector or a person designated by regulation;
- (b) implement the emergency plans referred to in section 1.5; and
- (c) subject to any order made under section 31, take all other reasonable emergency measures consistent with public safety to repair or remedy any dangerous condition or reduce or mitigate any danger to life, health or the environment that results or may reasonably be expected to result from the discharge.

As provided in 34(1) (a) above, the Regulations of the territorial TDG Act require that spills of dangerous goods be reported to the Northwest Territories' Spill Report Line. The Department of Indian and Northern Affairs established the Spill Report Line in 1979 by agreement with the federal and territorial agencies with responsibilities for dealing with hazardous material spills.

The agreement establishes one telephone number to which any and all spills in the Northwest Territories are reported. The spill Report Line is in constant readiness . When a spill is reported, the operator on duty decides which of the participating agencies has jurisdiction and passes the information on for its response. Indian and Northern Affairs Canada, Environment Canada and the territorial Department of Resources, Wildlife & Economic Development now administer the Spill Report Line on a two-year rotational basis. The Spill Report Line works well in quickly directing a report to the proper agency for a prompt response.

In 2001, 6 road transport related spills were reported to the spill line. Details of the spills are as follows:

Spill report number 2001- 051

DATE	February 25, 2001
PRODUCT	Fuel Oil
SPILL QUANTITY	300 litres
LOCATION	Lockhart Lake camp on Lupin winter road

During a wide load turn a truck manoeuvring in the Camp parking lot, contacted a parked tank trailer and creased the side resulting in a spill of Fuel Oil. The contaminated gravel, sand and snow was scraped up and transported in a dump trailer to the city of Yellowknife landfill for disposal.

Spill report number 2001- 058

DATE	February 28, 2001
PRODUCT	Ammonium Nitrate
SPILL QUANTITY	454 kilograms
LOCATION	portage 45 on Lupin winter road

During transport a 1000 kg bag of Ammonium Nitrate, prill fell off a transport trailer onto the winter road. The product was confined to a small area and was subsequently collected in drums, reloaded and delivered to its destination.

Spill report number 2001- 062

DATE	February 28, 2001
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PRODUCT	Ammonium Nitrate
SPILL QUANTITY	300 litres
LOCATION	portage 45 on Lupin winter road

During transport a 1000 kg bag of Ammonium Nitrate, prill fell of a transport trailer onto the winter road. This spill was spread over a larger area than the preceding spill (2001-058). Approximately 550 lbs plus half of a 45-gallon recovery drum was recovered.

The recovered product was loaded and forwarded to its destination. Because of the larger area involved, approximately 10 percent of the 1000 kilograms was lost. No further action was planned or has been taken.

Spill report number 2001- 095

DATE	March 29, 2001
PRODUCT	Waste Oil
SPILL QUANTITY	7000 litres
LOCATION	km 18, hwy 4

A tractor-trailer travelling on the Ingraham Trail left the road and overturned, dumping tanks containing waste hydraulic oil into the ditch. It was estimated that up to 7,000 litres of oil was spilled. The spilled product and contaminated snow was hauled to the City of Yellowknife landfill site for disposal. On June 26, RWED inspected the site and was satisfied that no further work needed to be done and recommended the file be closed.

Spill report number 2001- 177

DATE	June 05, 2001
PRODUCT	Fuel Oil
SPILL QUANTITY	454 litres
LOCATION	km 258, hwy 3

While discharging a load of fuel oil, the driver did not follow proper procedure and caused a fuel oil spill. The spill was contained by dyking the area. Most of the product was then pailed into a barrel. Absorbent pads and sand were also used to soak up the spilled product. On August 3, RWED inspected the site and advised the contaminated soil had been excavated and removed to the City of Yellowknife landfill site.

Spill report number 2001- 383

DATE	December 21, 2001
PRODUCT	Leachable Toxic Waste (L-17)
SPILL QUANTITY	11,000 litres

LOCATION

Highway 7 between Fort Liard and Fort Nelson, BC

During transport between Fort Liard and Fort Nelson a tank truck carrying a spent glycol solution, discharged all of its load en route due to a split discharge valve. The solution was a regulated glycol based hazardous waste containing traces of lead (L-17). No recovery was possible as it is most likely the product was discharged as a fine spray on the ditch side of the truck.

Directives – 35(1), Appeals – 36(1) and Recoveries – 38(1)

Sections 35, 36 and 38 of the TDG Act refer to ministerial directives, appeals against Ministerial directives and recoveries of public expenditures made to remedy abandoned or discharged dangerous goods.

35. (1) Where the Minister considers it necessary for the protection of the public, property or the environment, the Minister may direct a person engaged in the transportation of dangerous goods to cease any activity or to perform the activity in a manner consistent with the intentions of this Act.

(4) A person who receives a directive under subsection (1) may appeal the directive to the Supreme Court within 60 days receiving the directive, but that person shall comply with the directive until the appeal is finally determined.

36. (1) The Government of the Northwest Territories may claim and recover reasonable costs and expenses incurred in taking any measures under section 24, 33 or 34.

Under either the federal or the territorial/ provincial TDG Acts, Ministerial Directives are issued only in exceptional circumstances. The Minister was not required to issue any directives and no appeals to directives were made in 2001.

No actions were initiated for recovery of costs of expenses with respect to spills during this reporting period.

CITATIONS AND CONVICTIONS

In 2001 the Department of Transportation issued three Summary Offence Tickets and 10 Warning Notices for violations of the Northwest Territories Transportation of Dangerous Goods Act (1990) and the Transportation of Dangerous Goods Regulations.

- 1 Summary Offence Ticket was issued for missing or improper safety marks.
- 1 Summary Offence Ticket was issued for transporting dangerous goods not properly documented.
- 1 Summary Offence Ticket was issued for an untrained person transporting dangerous goods.

- 9 Written Warning Notices were issued for missing or improper safety marks.
- 1 Written Warning Notice was issued for failing to produce a certificate of training.

SUMMARY

Truck traffic through the Enterprise Weigh Scale increased in 2001 by 23 percent over 2000. Dangerous goods traffic increased commensurately. The higher traffic in 2001 was directly related to the construction and development of mining properties in the North Slave region.

Although no hard data are available from the Inuvik Weigh Scale, it is reporting comparably higher traffic as well. The transport of explosives in the Mackenzie delta has increased significantly due to the growth in the oil and gas industry and the number of geological seismic surveys taking place in the region. There are now four companies in Inuvik storing and distributing explosives.

Nationally, the new "Clear Language" version of the Transportation of Dangerous Goods Regulations have been published in the Canada Gazette version 2 and are scheduled to come into force on August 16, 2002. The Northwest Territories, like the other provinces and territories, adopts these Regulations by reference. Amendments to the NWT Regulations to adopt the new version of the federal regulations will be done to coincide with the scheduled effective date. Transport Canada will be conducting a training session in May of this year for the Dangerous Goods Inspectors designated under the Northwest Territories Transportation of Dangerous Goods Act.