

MINISTER OF TRANSPORTATION'S
REPORT TO THE LEGISLATIVE ASSEMBLY FOR 2003
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 *Transportation of Dangerous Goods 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 *Transportation of Dangerous Goods 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 54 percent of available time in 2003. 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 2003, approximately 23,200 loaded transports reported to the Enterprise, Inuvik and Fort Liard scales for inspection. Of these 6,500 were transporting dangerous goods. According to these figures, about 28 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 Weigh Scales at Enterprise, Fort Liard and Inuvik.

Commodity	Enterprise	Fort Liard	Inuvik
Fuel Oil/ Diesel – Heating	176,053,650 l	1,151,004 l	2,345,543 l
Gasoline – Automotive	14,713,200 l	554,000 l	1,102,237 l
Aviation Fuels	20,405,700 l	54,500 l	2,562,600 l
Propane	15,497,000 l	195,000 l	261,219 l
Ammonium Nitrate	33,787,600 Kg	0 Kg	13,000 Kg
Sodium Cyanide	210,000 Kg	0 Kg	0 Kg
Explosives	430,002 Kg	0 Kg	0 Kg

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 2003.

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 2003. However, on November 17, 2003, a notice was made to an owner of a vehicle whose tank visual and leakage tests had expired. The vehicle was placed out of service. The vehicle was shipped to Hay River and the tank was re-certified the following week.

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 2003, 25 road transport related spills were reported to the spill line. Details of the spills are as follows:

Spill Number	Date	Location	Commodity	Spill Quantity
2003-053	January 29, 2003	Winter Road 44 km east of Tsiigehtchic	Antifreeze	20 L
2003-054	January 29, 2003	Winter Road 4 km east of Tsiigehtchic	Antifreeze	20 L
2003-046	January 31, 2003	3 Bromley Dr., Yellowknife	Diesel Fuel	20 L
2003-097	February 17, 2003	Highway 1 KM 152	Diesel Fuel	1370 L
2003-103	February 19, 2003	Highway 1 KM 82	Diesel Fuel	10000 L

Spill Number	Date	Location	Commodity	Spill Quantity
2003-117	February 24, 2003	Mackenzie Drive in Front of Mackenzie Hotel, Norman Wells	Diesel P-50	11000 L
2003-479	March 7, 2003	Highway 3 KM 178	Fuel	150 L
2003-158	March 14, 2003	Highway 3 KM 334	Ammonium Nitrate	Unspecified
2003-247	March 20, 2003	Southside of Petitot River 6.4KM up CFO Access Road	Diesel Fuel	1 L
2003-198	March 24, 2003	North End Portage #31 on Lupin Winter Road 200' South of Lake	Motor Oil	55 L
2003-202	March 26, 2003	Portage 20 north of Gordon Lake, Lupin Winter Road	Diesel Fuel	400 L
2003-207	March 29, 2003	Highway 1 before Kakisa Turn-off	Diesel Fuel	Unspecified
2003-048	April 2, 2003	Liard River Ice Bridge @ Fort Liard	Lube Oil	Unspecified
2003-297	April 28, 2003	51 Ave. & 51 St., Yellowknife	Hydraulic Oil	80 L
2003-347	May 20, 2003	Highway 1 KM 159.2	Diesel Fuel	100 L
2003-349	May 21, 2003	Highway 3 KM 337	Diesel Fuel	Unspecified
2003-137	June 3, 2003	Highway 8 KM 62	Motor Oil	5 L
2003-471	June 7, 2003	KM 6.4 Kakisa Access Road	Diesel Fuel	40 L
2003-446	June 25, 2003	Near Edzo Access Road	Unknown	Unspecified
2003-454	June 30, 2003	Fort Liard Town Dock	Diesel Fuel	23 L
2003-146	July 3, 2003	Chevron Liard River Ice Bridge	Hydraulic Oil	1 L
2003-490	July 14, 2003	Highway 4	Transmission Fluid	2 L
2003-141	October 3, 2003	Highway 4 KM 20	Diesel P-40	Unspecified

Spill Number	Date	Location	Commodity	Spill Quantity
2003-088	December 2, 2003	6 KM South of BHP on Lupin Winter Road	Diesel Fuel	182 L
2003-533	December 8, 2003	Reid Lake Campground	Hydraulic Fluid	5 L

Summary of the above shows that 4 spills were required to be reported under the *Transportation of Dangerous Goods Act*. Another 6 were probably required to be reported, but the amount spilled is unknown as it was not reported. Fifteen spills were not required to be reported under the *Transportation of Dangerous Goods Act*.

Of the 25 spills reported, most were required to be reported under the *Environmental Protection Act, Spill Contingency Planning and Reporting Regulations*. These regulations are more restrictive and not enforceable by Highway Transport Officers.

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 2003.

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

CITATIONS AND CONVICTIONS

In 2003 the Department of Transportation issued two (2) Summary Offence Tickets and thirteen (13) 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 a carrier failing to provide another carrier with shipping document.
- 1 Summary Offence Ticket was issued for transporting dangerous goods without safety markers.
- 5 Written Warning Notices were issued for improper safety marks (missing placards).
- 1 Written Warning Notice was issued for no placards and no validation sticker on trailer plate.
- 1 Written Warning Notice was issued for transporting dangerous goods without training certificate.
- 2 Written Warning Notices were issued for expired Tank Inspection certificates.

SUMMARY

Truck traffic through the Enterprise Weigh Scale increased in 2003 by 4 percent over 2002. The number of trucks carrying dangerous goods traffic decreased by 10 percent. The total volume of bulk fuels carried by trucks in 2003 decreased by about 16 percent compared to 2002.

Nationally, the new “Clear Language” version of the *Transportation of Dangerous Goods Regulations* have been published in the Canada Gazette version 2 and came 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 were made in 2003. The *Summary Conviction Procedures Regulations* were also amended to reflect this change. Transport Canada conducted a training session on Highway Tank Inspection in Hay River for the Dangerous Goods Inspectors designated under the Northwest Territories *Transportation of Dangerous Goods Act*.