

Government of
Northwest Territories

Annual Report to the Legislative
Assembly Under the

Transportation of Dangerous Goods Act

2019



Introduction

This report is published annually by the Government of the Northwest Territories (GNWT) under the *Transportation of Dangerous Goods Act* (TGD Act). The TDG Act came into effect on August 1, 1991 as the territorial complement to the federal *Transportation of Dangerous Goods Act*.

The federal legislation applies to air, marine, rail and road transport, whereas the territorial legislation applies only to road transport operations.

The GNWT's Minister of Infrastructure is required to table this report annually, as outlined in section 62 of the Northwest Territories (NWT) TGD Act. This report must be tabled during the first session of the Legislative Assembly following the calendar year that is the subject of the report. The annual report must describe:

- Permits and applications made under the TGD Act;
- Amendment, cancellation or suspension of any permits issued under the TGD Act;
- Orders issued under subsection 31(1);
- Reports of road transport related spills made under subsection 34(1);
- Directives issued under subsection 35(1);
- Appeals made under section 36;
- Any action taken by the Government of the Northwest Territories (GNWT) for the recovery of reasonable costs and expenses under section 38;
- Proceedings instituted in respect of an offence under the TGD Act or Regulations; and
- Convictions for a contravention under the TGD Act or Regulations.

The following TGD report encompasses the 2019 calendar year.

Profile of Dangerous Goods on NWT Highways

On-road monitoring of motor carrier traffic is conducted by the Highway Transport Officers in all regions. Highway Transport Officers are trained and designated as Dangerous Goods Inspectors. The Department of Infrastructure's Compliance and Licensing Division currently employs one (1) Manager and nine (9) Highway Transport Officers who weigh and inspect motor carrier traffic. Eight (8) of the Highway Transport Officers are based at the two (2) weigh scale facilities at Enterprise and Inuvik, and one (1) is based out of Yellowknife.

While the weigh scales are open, the officers on duty record the types and approximate quantities of dangerous goods moving through their facility by noting the 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.

In 2019, 3,245 loaded transports reported to the Enterprise and Inuvik scales for inspection. Of these, 926 were transporting dangerous goods. According to these figures, about 29 percent of the loaded transport trucks travelling on NWT highways in 2019 were carrying dangerous goods. Hydrocarbon fuels account for the majority of dangerous goods traffic on the highway system.

Traffic data from other sources, most notably the Deh Cho Bridge toll gantry, reported 16,852 northbound trucks in 2019, compared to 19,618 in 2018, a 14 percent decrease. On the Tibbitt to Contwoyto Winter Road, there were 7,489 northbound trucks in 2019, compared to 8,209 in 2018, a 9 percent decrease. It is likely that the quantities of dangerous goods transported in the NWT decreased by similar amounts.

The number of trucks reporting to each of the weigh scales and the number of those trucks carrying dangerous goods is shown in the following table.

Scale	Number of Trucks Reporting at Weigh Scales	Number of Trucks Carrying Dangerous Goods
Enterprise	1,344	166
Inuvik	1,901	760
Total	3,245	926

The following table lists the dangerous goods most commonly carried by truck transports in the NWT. These quantities are based on the traffic flow through the Weigh Scales at Enterprise and Inuvik during hours of operation.

Commodity	Enterprise	Inuvik
Fuel Oil/ Diesel - Heating	1,279,300 L	4,059,500 L
Gasoline - Automotive	481,000 L	1,086,700 L
Aviation Fuels	233,500 L	2,095,500 L
Propane	1,162,700 L	2,670,000 L
Liquefied Natural Gas	0 L	2,000,000 L
Ammonium Nitrate	2,810.5 kg	0 kg
Explosives	50,100 kg	0 kg

Permits, Applications and Amendments

There are provisions in the TDG Act for issuing permits, applications for permits and making amendments to permits. Section 4 allows the Minister to issue permits exempting the transportation of dangerous goods from the application of the TGD Act or the Regulations. Section 7 requires that a permit and an application for a permit must be in writing, in a form approved by the Minister. Section 10 gives the Minister authority to amend, cancel or suspend a permit where he/she believes on reasonable grounds that the person holding the permit for his or her employees or agents has contravened the TDG Act or 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 2019.

Orders

Under Section 31(1), an inspector may issue an order to the owner or person in charge of the dangerous goods from a container, packaging or vehicle transporting the dangerous goods if:

- there is a discharge or a reasonable likelihood of a discharge of dangerous goods from a container packaging or vehicle transporting the dangerous goods; or
- the dangerous goods are being transported in contravention of the TGD Act or regulations.

An order issued may require a person to cease transporting the dangerous goods, remove the dangerous goods or take any other measures that are necessary to protect life, health, property or the environment.

There were no formal, written orders issued in 2019.

Reports of Road Transport Related Spills

Section 34 of the TDG Act requires spills of dangerous goods be reported to the NWT Spill Report Line. The 24-hour Spill Report Line is administrated by the Department of Environment and Natural Resources in collaboration with the following federal and territorial departments and agencies:

- Office of the Regulator of Oil and Gas Operations, GNWT
- Department of Lands, GNWT
- Department of Environment – Government of Nunavut
- Inuvialuit Land Administration
- National Energy Board
- Environment and Climate Change Canada
- Canadian Coast Guard – Western Region
- Canadian Coast Guard – Central Arctic Region
- Transport Canada Marine Safety and Security
- Indigenous and Northern Affairs Canada – NT Region
- Indigenous and Northern Affairs Canada – NU Region

When a spill is reported, the operator on duty decides which of the participating agencies has jurisdiction and passes the information on for response. The Spill Report Line works well in quickly directing a report to the proper agency for a prompt response.

In 2019, two (2) road transport related spills were reported to the Spill Report Line, resulting in 1,575 litres of hydrocarbon fuel being spilled. Details of the spills are shown in the table below.

Spill Number	Date	Location	Commodity	Spill Quantity
2019-056	February 14, 2019	Whati Winter Road, km 30	Jet A Fuel	1,300 L
2019-463	November 14, 2019	Highway 3, km 304	Diesel Fuel	275 L

Directives, Appeals and Recoveries

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.

Under Section 35(1), if it is considered 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 the TDG Act. Anyone receiving a directive under may appeal the directive to the Supreme Court within 60 days, but that person must comply with the directive until the appeal is finally settled.

The GNWT may claim and recover reasonable costs and expenses incurred in taking any measures under sections 24, 33 or 34 of the TDG Act.

Under either the federal or the territorial/ provincial TDG Acts, ministerial directives are issued only in exceptional circumstances.

The NWT Minister of Infrastructure was not required to issue any directives and no appeals to directives were made in 2019.

Citations and Convictions

In 2019 the Department of Infrastructure issued eight (8) Summary Offence Tickets for violations of the TDG Act and Regulations. These are summarized in the following table.

Section	Description	Count
1.7	Transporting dangerous goods without applicable prescribed documents	1
4.1	Transporting dangerous goods without displaying safety marks in accordance with part 4	1
4.2	Displaying misleading safety marks	6
TOTAL		8

Summary

The number of trucks reporting to the weigh scales in Enterprise and Inuvik in 2019 decreased by 23 percent over 2018. The number of trucks transporting dangerous goods decreased by 41 percent during the same period.

There were only two road transport-related spills involving dangerous goods that were reported to the Department of Environment and Natural Resources in 2019. The eight (8) Summary Offence Tickets issued for violations under the TDG Act and Regulations is a decrease from 2018.

The Department of Infrastructure will continue to monitor the movement of dangerous goods on the Highway system, reflecting the Department's ongoing commitment to highway safety.

