

**MINISTER OF TRANSPORTATION'S
REPORT TO THE LEGISLATIVE ASSEMBLY FOR 2002
ON THE NORTHWEST TERRITORIES' *TRANSPORTATION
OF DANGEROUS GOODS ACT (1990)***

INTRODUCTION

The *Northwest Territories' Transportation of Dangerous Goods Act, 1990 (TDG Act)* 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 Northwest Territories highway system. This facility, which may be open for 24 hours a day seven days a week, was open for approximately 65 percent of available time in 2002. 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 Weight Scale originate in Hay River or south of the Northwest Territories boundary. In 2002, approximately 17,000 loaded transports reported to the Enterprise scale for inspection. Of these 6,800 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 Weigh Scales at Enterprise, Fort Liard and Inuvik.

Commodity	Enterprise	Fort Liard	Inuvik
Fuel Oil/ Diesel – Heating	218,719,215 l	1,638,000 l	2,689,300 l
Gasoline – Automotive	22,447,590 l	860,000 l	81,000 l
Aviation Fuels	32,505,110 l	27,000 l	
Propane	16,707,900 l	431,000 l	180,000 l
Ammonium Nitrate	836,440 Kg		300,000 Kg
Sodium Cyanide	1,058,200 Kg		
Explosives	114,400 Kg		16 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 2002.

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 2002.

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 2002, 22 road transport related spills were reported to the spill line. Details of the spills are as follows:

SPILL REPORT #	DATE	PRODUCT	SPILL QUANTITY	LOCATION
2002-025	12-Jan-02	Diesel Fuel	Unspecified	Km 227, HWY #3
2002-106	04-Feb-02	Gasoline	8 Litres	Winter Rd, Mallik Japex Rd Richards Island
2002-080	09-Feb-02	Ammonium Nitrate	2000 Kilograms	Km325, HWY #3
2002-086	12-Feb-02	Transmission Fluid	275 Litres	Portage 8 through 27 Lupin Winter Road
2002-097	13-Feb-02	Hydraulic Fluid	4 Litres	Saline Bridge Km 832 on Mackenzie HWY Winter Rd
2002-100	17-Feb-02	Diesel Fuel	20 Litres	Lupin Winter Rd Portage 54
2002-116	20-Feb-02	Diesel Fuel	500 Litres	Lupin Winter Road Lockhart Camp 5 Km North on Lake
2002-120	21-Feb-02	Ammonium Nitrate	300 Kilograms	Entire Length of HWY #4
2002-129	22-Feb-02	Diesel Fuel	100 Litres	Km315, HWY #3
2002-193	01-Mar-02	Diesel	675 Litres	Km871.1 Mackenzie HWY Winter Rd Near Tulita
2002-171	04-Mar-02	Ammonium Nitrate	Unspecified	HWY #4, 1 Km from Madeline Lake Boat Launch
2002-214	19-Mar-02	Ammonium Nitrate	Unspecified	HWY #4, Cassidy Point
2002-210	19-Mar-02	Diesel Fuel	350 Litres	Lupin Winter Rd Lockhart Lake Camp
2002-311	10-Apr-02	Fuel (unspecified)	40 Litres	HWY #8, 6 Km from McPherson
2002-283	21-Apr-02	Diesel Fuel	227 Litres	HWY #4, between Km 20.6 and Km 27 (Pontoon Lake)
2002-401	28-Jun-02	Engine Coolant	Unspecified	HWY #3, Km 338 (Jackfish Hill)
2002-417	12-Jul-02	Blast Rock	Unspecified	HWY #4, Baker Creek @ Km 2.5 near Giant Mine
2002-460	07-Aug-02	Jet B	20 Litres	HWY #7, Km 124
2002-329	Unspecified	Diesel Fuel	Unspecified	HWY #1, Km 120 (McNally Creek)
2002-455	Unspecified	Paint	Unspecified	HWY #3, Km 242 (Frank Channel Bridge)
2002-534	Unspecified	Tar	600 Litres	HWY #4, Km 21 (RTL Quarry 2 Km east of Prosperous Lake Boat Launch)
2002-530	Unspecified	Diesel Fuel	Unspecified	HWY #5, Salt Mountain Gravel Pit South Side HWY #5

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 2002.

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

CITATIONS AND CONVICTIONS

In 2002 the Department of Transportation issued eight Summary Offence Tickets and one Warning Notice for violations of the Northwest Territories Transportation of Dangerous Goods Act (1990) and the Transportation of Dangerous Goods Regulations.

- 2 Summary Offence Tickets were issued for missing or improper safety marks.
- 2 Summary Offence Tickets were issued for transporting dangerous goods not properly documented.
- 2 Summary Offence Tickets were issued for insecure loads.
- 1 Summary Offence Ticket was issued for no TDG Inspection Certificate.
- 1 Summary Offence Ticket was issued for no manifest.

- 1 Written Warning Notice was issued for missing or improper safety marks.

SUMMARY

Truck traffic through the Enterprise Weigh Scale increased in 2002 by 12 percent over 2001. Dangerous goods traffic increased commensurately. The higher traffic in 2002 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 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 will be made in 2003. Transport Canada conducted a training session in Hay River from May 28 to 31, 2002 for the Dangerous Goods Inspectors designated under the *Northwest Territories Transportation of Dangerous Goods Act*.