

MINISTER OF TRANSPORTATION'S
REPORT TO THE LEGISLATIVE ASSEMBLY FOR 2004
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 57 percent of available time in 2004. 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 2004, approximately 21,100 loaded transports reported to the Enterprise, Inuvik and Fort Liard scales for inspection. Of these 5,700 were transporting dangerous goods. According to these figures, about 27 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	145,925,000 l	797,500 l	4,090,300 l
Gasoline – Automotive	15,347,500 l	326,000 l	666,700 l
Aviation Fuels	23,351,000 l	70,000 l	2,868,100 l
Propane	10,722,000 l	97,600 l	338,400 l
Ammonium Nitrate	42,013,100 Kg	0 Kg	34,600 Kg
Sodium Cyanide	374,000 Kg	0 Kg	0 Kg
Explosives	31 trucks	0 Kg	40,804 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 2004.

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 2004.

SPIILLS– 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 2004, sixteen (16) road transport related spills were reported to the spill line. Details of the spills are as follows:

Spill Number	Date	Location	Commodity	Spill Quantity
2004-343	Unknown	Yellowknife Dump Access Road	Hydraulic Fluid	68 L
2004-282	Unknown	5km South of Colville Lake 67:00:998 W126:07:019	Diesel Fuel	100 L
2004-026	1/9/2004	Wha Ti Winter Road, Marion Lake north of Rae	Diesel Fuel/Motor Oil/Antifreeze	unspecified
2004-030	1/12/2004	Winter Road - 66:00:179N 128:21:432W	Diesel Fuel	320 L
2004-054	1/21/2004	Wha Ti Winter Road, 10 km north of Marion Lake	unspecified	unspecified
2004-117	2/28/2004	Winter Road, north of Dome Lake Portage 13	Diesel Fuel	1000 L

Spill Number	Date	Location	Commodity	Spill Quantity
2004-127	3/2/2004	Highway 5, Km 142	Gasoline/Jet B	155 L
2004-146	3/10/2004	Highway 4, Km 31	Ammonium Nitrate	4000 kg
2004-170	3/17/2004	Diavik - Airport Road	Transmission Fluid	30 L
2004-196	4/2/2004	Highway 4, Km 48	Fuel and Transmission Fluid	unspecified
2004-212	4/12/2004	Swimming Point	Hydraulic Oil	75 L
2004-407	6/21/2004	Highway 4, Km 0.3	Diesel 20X	400 L
2004-665	12/9/2004	Tuktoyaktuk - N69 24' 53.5" W 134 16' 47.5"	Motor Oil	1 L
2004-666	12/9/2004	Tuktoyaktuk - N 69 27' 03.4" W 134 09' 49.1"	Antifreeze	3 L
2004-667	12/9/2004	Tuktoyaktuk - N69 19' 00.1" West 134 15' 51.3"	Hydraulic Oil	10 L
2004-668	12/10/2004	Tuktoyaktuk - North 69 31' 04.1" West 134 08' 48.2"	Diesel Fuel	20 L

Summary of the above shows that five (5) spills were required to be reported under the *Transportation of Dangerous Goods Act*. Another three (3) spills were probably required to be reported, but the amount spilled was unknown as it was not reported. Eight spills were not required to be reported under the *Transportation of Dangerous Goods Act*.

Of the sixteen (16) 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 2004.

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

CITATIONS AND CONVICTIONS

In 2004 the Department of Transportation issued nine (9) Summary Offence Tickets and five (5) Warning Notices for violations of the Northwest Territories *Transportation of Dangerous Goods Act* (1990) and the *Transportation of Dangerous Goods Regulations*.

- 2 Summary Offence Tickets was issued for a carrier failing to provide another carrier with shipping document.
- 4 Summary Offence Tickets was issued for transporting dangerous goods without safety markers.
- 2 Summary Offence Tickets was issued for transporting dangerous goods without adequate training or without training certificate.
- 1 Summary Offence Ticket was issued for failing to cover or remove safety marks when no dangerous goods were being transported.
- 3 Written Warning Notices were issued for improper safety marks (missing placards).
- 1 Written Warning Notice was issued for failing to produce training certificate.
- 1 Written Warning Notice was issued for carrier failing to advised consigner of classification error.

SUMMARY

Truck traffic through the Enterprise Weigh Scale decreased in 2004 by 13 percent over 2003. The number of trucks carrying dangerous goods traffic decreased by 13 percent.

The total volume of bulk fuels carried by trucks in 2004 decreased by about 13 percent compared to 2003.