



ANNUAL REPORT

TRANSPORTATION OF DANGEROUS GOODS ACT

Department of Infrastructure

2017



ANNUAL REPORT TO THE LEGISLATIVE ASSEMBLY FOR 2017 UNDER THE *TRANSPORTATION OF DANGEROUS GOODS ACT*

INTRODUCTION

The Northwest Territories (NWT) *Transportation of Dangerous Goods Act* (TGD Act), which is the territorial complement of the federal *Transportation of Dangerous Goods Act*, came into effect on August 1, 1991.

While the federal legislation applies to the transportation modes subject to its jurisdiction (i.e., air, marine, rail and road transport), the NWT TGD Act applies only to road transport operations. In the interests of consistency and national uniformity, the NWT TGD Act references the federal regulations pursuant to the federal Act. In this way, dangerous goods moving in Canada from one mode of transportation to another and/or between jurisdictions are always subject to the same regulations.

Section 62 of the NWT TGD Act requires the Minister of Infrastructure to table an Annual Report during the first session of the Legislative Assembly following the calendar year that is the subject of the report. The 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.

PROFILE OF DANGEROUS GOODS ON NWT HIGHWAYS

The Department of Infrastructure's Compliance and Licensing Division currently employs one Manager and nine Highway Transport Officers who weigh and inspect motor carrier traffic; eight of the Highway Transport Officers are based at the two weigh scale facilities at Enterprise and Inuvik, and one is based out of Yellowknife.



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.

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 2017, approximately 3,346 loaded transports reported to the Enterprise and Inuvik scales for inspection. Of these 1,239 were transporting dangerous goods. According to these figures, about 37 percent of the loaded transport trucks travelling on NWT highways are 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 17,991 northbound trucks in 2017, compared to 17,383 in 2016, a 3.5 percent increase. It can be assumed that the quantities of dangerous goods transported in the NWT increased by a similar amount.

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	1,596	189
Inuvik	1,750	1,050
Total	3,346	1,239

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	4,188,100 l	4,654,300 l
Gasoline - Automotive	776,500 l	1,920,500 l
Aviation Fuels	164,600 l	1,874,500 l
Propane	1,055,000 l	3,660,000 l
Liquefied Natural Gas	0 l	2,219,500 l
Ammonium Nitrate	1,344,500 Kg	0 Kg
Explosives	59,700 Kg	140,000 Kg



PERMITS, APPLICATIONS and AMENDMENTS

There are provisions in the NWT 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 2017.

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 2017.

REPORTS OF ROAD TRANSPORT RELATED SPILLS

Section 34 of the NWT TDG Act requires spills of dangerous goods be reported to the NWT Spill Report Line. The 24 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 2017, 8 road transport related spills were reported to the Spill Line, resulting in 5,245 litres of hydrocarbon fuel being spilled. Details of the spills are shown in the table below.

Spill Number	Date	Location	Commodity	Spill Quantity
17-021	January 8, 2017	Highway 1, km 133	Diesel Fuel	Unknown
17-033	February 2, 2017	NT Road, Inuvik	Diesel Fuel and Motor Oil	25 L
17-039	February 8, 2017	Mackenzie Valley Winter Road, km 1083	Gasoline	100 L
17-056	February 24, 2017	Highway 4, km 54	Diesel Fuel	100 L
17-057	February 25, 2017	Mackenzie Valley Winter Road, km 730	Diesel Fuel	Unknown
17-066	March 3, 2017	Deh Cho Boulevard @ Drybones Drive, Yellowknife	Diesel Fuel	5000 L
17-078	March 12, 2017	Highway 1, km 172	Diesel Fuel	20 L
17-108	April 11, 2017	Highway 8, km 1	Jet A-1 Fuel and Diesel Fuel	Unknown

DIRECTIVES, APPEALS AND RECOVERIES

Sections 35, 36 and 38 of the NWT 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 Minister of Infrastructure was not required to issue any directives and no appeals to directives were made in 2017.

CITATIONS AND CONVICTIONS

In 2017 the Department of Infrastructure issued 14 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	2
3.2	Carrier failing to keep shipping documents in specified location	1
3.5	Failing to include information required by regulations on shipping document	2
3.6	Failure to include ERAP information on shipping document	1
4.2	Displaying misleading safety marks	1
4.5(b)	Transporting dangerous goods without displaying proper safety marks	4
5.14	Transporting DG Class 3 with expired VK inspection	1
6.4	Transporting dangerous goods without holding training certificate in accordance with part 6	1
6.8	Failure to produce training certificate	1
	Total:	14