

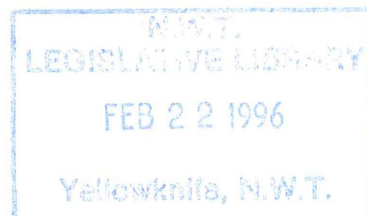


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MINISTER OF TRANSPORTATION'S
REPORT TO THE LEGISLATIVE ASSEMBLY
FOR 1995

TRANSPORTATION OF DANGEROUS GOODS ACT (1990)

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TO THE LEGISLATIVE ASSEMBLY FOR 1995
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 TDG Act is the territorial complement of the federal *Transportation of Dangerous Goods Act (TDG)*. Where the federal legislation applies to the transportation modes subject to its jurisdiction (i.e., air, marine, rail, pipeline and extra-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 or 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 Traffic on Territorial Highways

The Department of Transportation's Motor Vehicles Division monitors, weighs and inspects motor carrier traffic reporting to its inspection stations at Enterprise and Inuvik. Monitoring of motor carrier traffic is also conducted on the NWT highway system by mobile Highway Patrol Officers from Inuvik, Enterprise, Hay River and Yellowknife. In 1995, 17,500 transports reported to the Enterprise Station for inspection. At the Inuvik scale 5,240 transports were weighed. Of a total of 22,740 vehicles, 4,623 were transporting dangerous goods.

Enterprise Weigh Scale is scheduled to operate twenty four hours a day, seven days a week. The Inuvik Weigh Scale operates approximately 60 hours a week.

The Officers on duty at the Enterprise and Inuvik Inspection stations record a profile of the types and approximate quantities of dangerous goods moving on the territorial highway system. The following table lists, in order of magnitude, the dangerous goods most commonly carried by truck transports in the Northwest Territories. By volume, the transportation of the hydrocarbon fuels gasoline, propane and diesel oil account for most of the dangerous goods traffic on the highway system. Approximately 20 percent of all trucks on the highway are engaged in transporting dangerous goods.

In 1995 volumes of hydrocarbon fuels were lower than in 1994 by seven percent whereas overall total traffic and transports carrying dangerous goods loads has increased by 13 percent and 18 percent respectively.

<u>Commodities</u>	<u>Quantities</u>
Fuel oil/diesel - heating	111,658,000 L
Gasoline - Automotive/Aviation	41,683,000 L
Propane	19,157,000 L
Ammonium Nitrate	4,280,000 KG
Sodium Cyanide	1,760,000 KG
Explosives	900,000 KG
Liquid Oxygen, refrigerated	350,000 L
Corrosive Liquids	275,000 L
Hydrogen Peroxide	153,000 L
Compressed Gases	105,000 L

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 subsection (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 or his or her employees or agents have contravened this 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 1995.

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 dangerous goods, where the inspector believes on reasonable grounds that;
 - (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 or Regulations.

There were no formal, written orders issued in 1995.

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 an 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 of for its response. The Spill Report Line is now administered on a two year rotational basis by Indian and Northern Affairs Canada, Environment Canada and the territorial Department of Renewable Resources. The Spill Report Line works well in quickly directing a report to the proper agency for a prompt response.

In 1995, a total of 206 dangerous goods spills were reported via the Spill Line. Of these, four involved transport units engaged in transporting regulated dangerous goods loads. Two were gasoline spills from tank transports on winter roads and two involved spills of oil at the settlement of Enterprise.

One gasoline spill was due to a tank trailer rollover approximately 75 kilometres from Fort Norman on the Fort

Norman/Deline road resulting in a loss of 21,267 litres of gasoline. The spilled product and contaminated snow were removed to a sump at the Esso refinery in Norman Wells for disposal. The spill site was last inspected by the Department of Renewable Resources on August 27, 1995 and it was determined that no further cleanup action was required as nature was doing a good job. Also an inspection will be conducted at the site during the summer of 1996 to confirm the cleanup is complete.

The second spill resulted from a tank truck going off the winter road 13 kilometres from Snare Hydro. Approximately 4000 litres of gasoline was spilled from this vehicle. All spilled product and contaminated snow were recovered and transported for disposal. No environmental damage has occurred as a result of this accident.

The two oil spills at Enterprise were estimated at less than 50 gallons each. One was as a result of a hole in an container used to transport engine oil. The other was a pool of asphalt/water mixture apparently leaked from a parked tanker. Both oil spills were on gravel roadways and cleaned up sufficiently so as to eliminate any potential environmental and/or traffic hazard.

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.

- 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 of to perform the activity in a manner consistent with the intentions of this Act.
- (4) person who receives a directive under subsection (1) may appeal the directive to the Supreme Court within 60 days of receiving the directive, but that person shall comply with the directive until the appeal is finally determined.
36. (1) An appeal to the Supreme Court shall be commenced by
- (a) filing an originating notice with the Supreme Court; and
 - (b) serving a copy of the originating notice on the Minister.

38. (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 during 1995 and no appeals to directives were made in 1995.

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

Citations and Convictions

Of the 4,623 vehicles transporting dangerous goods, 260 were inspected for compliance with the *TDG Act* and regulations. Seven Summary Offence Tickets were issued as a result of these inspections.

One summary offence ticket was issued for improper documentation of dangerous goods, two were issued for operating without proper or missing safety marks, and three were issued for transporting dangerous goods without being a trained person.

SUMMARY

The transportation of dangerous goods by road picture in the Northwest Territories has not changed significantly from 1994 to 1995 except for the reduction in volumes of hydrocarbon fuels. This may be due to a warmer than normal winter, or less demand by power generation stations or the mining industry. Summary Offence Tickets have increased in place of written warning notices for violations of the regulations. It is hoped that this will encourage the transport industry to comply to a higher degree with legislation that has been in place for over ten years. Spills by dangerous goods carriers are down in 1995 with no significant environmental damage occurring. Due to the makeup of the seasonal winter road system and the volumes of fuel and gasoline transported during the short season, tank truck accidents will likely continue to occur. Vehicle safety and driver's hours on duty are monitored by Highway Transport Officers to reduce the likelihood and frequency of these and any other truck transport accidents. It is anticipated that the 1995/96 winter road resupply volumes will exceed all previous years. Highway enforcement is being stepped up on all weather and seasonal roads to ensure the continued safe and orderly movement of dangerous goods supplies to support the rapid growth being experienced in the Northwest Territories by the mining industry.

