

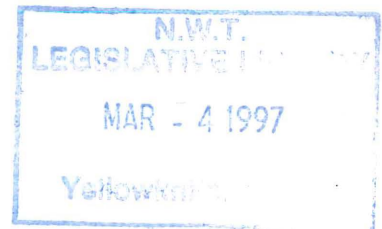
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**MINISTER OF TRANSPORTATION'S  
REPORT TO THE LEGISLATIVE ASSEMBLY FOR 1996 ON THE  
TRANSPORTATION OF DANGEROUS GOODS ACT (1990)**

**PREPARED BY:  
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GOVERNMENT OF THE NORTHWEST TERRITORIES**





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**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. Where the federal legislation applies to the modes of transport subject to the federal 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 national uniformity and consistency, the territorial Act invokes the federal regulations pursuant to the federal Act. In this way, hazardous cargoes moving in Canada from one mode of transport 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. Section 62 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;
  - l) 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 weigh scale 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, Hay River and Yellowknife. In 1996, 24,708 transports reported to the Enterprise station for inspection. Of these, 15,345 were loaded and weighed. At the Inuvik scale, 6,141 transports were weighed. Of a total of 21,486 vehicles, 4,295 were transporting dangerous goods.

Enterprise weigh scale handles most of the truck traffic entering the Northwest Territories. This facility which may be open for 24 hours a day seven days a week was open for seventy percent of available time in 1996. The Inuvik Weigh Scale operated an average of 30 hours a week. Weigh scale personnel from the Inuvik scale conduct highway patrol activities for approximately 15 hours a week. Three full time Highway Patrol Officers patrol the highways in the South Mackenzie Region. One officer is based at Yellowknife and the other two are based at Hay River. All Highway Patrol and Highway Transport Officers are designated as Transportation of Dangerous Goods Inspectors.

While on duty, the Officers at the Enterprise and Inuvik 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 hydrocarbon fuels (diesel oil, gasoline and propane) account for most of the dangerous goods traffic on the highway system. Approximately 20 percent of all trucks on the highway are transporting dangerous goods.

<u>COMMODITIES</u>	<u>QUANTITIES</u>
Fuel oil . . . . .	98,259,000 L
Gasoline - automotive/aviation . . . . .	36,681,000 L
Propane . . . . .	16,858,000 L
Ammonium Nitrate . . . . .	3,766,400 kg
Sodium Cyanide . . . . .	1,518,800 kg
Explosives . . . . .	792,000 kg
Liquid Oxygen, refrigerated . . . . .	308,000 L
Corrosive Liquids . . . . .	242,000 L
Hydrogen Peroxide . . . . .	134,600 L
Compressed Gases . . . . .	92,400 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 1996.

## **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, 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 1996.

## 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 on 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 Resources, Wildlife & Economic Development. The Spill Report Line works well in quickly directing a report to the proper agency for a prompt response.

In 1996 a total of 259 dangerous goods spills were reported to the spill line. Of these, four involved spills by vehicles engaged in transporting a load, or part of a load, of dangerous goods. Three spills involved transport of hydrocarbon products. One spill was of ammonium nitrate, a fertilizer also used as an explosive. The details of each spill are as follows:

- 1) DATE: January 28, 1996  
PRODUCT: ammonium nitrate  
SPILL QUANTITY: 6,240 kg  
LOCATION: En route between Edmonton, AB and Colomac Mine  
CAUSE: Damaged transport trailer

While en route from Edmonton to the Colomac Mine, an unsecured pumpshaft on the transport trailer damaged the bottom of the trailer. The driver did not notice any spill or damage during several stops during the trip. After unloading at the minesite, a loss of 6,240 kilograms was detected. An investigation by Renewable Resources staff was unable to detect any concentration of spilled product along the route due to high winds and blowing snow. Environmental Protection Services personnel believe the dilution from spring run off and ice melt would have resulted in negligible environmental impact from the spill.

- 2) DATE: March 9, 1996  
PRODUCT: diesel fuel  
SPILL QUANTITY: 3,500 l  
LOCATION: Hay River  
CAUSE: faulty transport trailer

While loading a tanker load of fuel oil, fuel was detected leaking from the transport trailer. A berm was built around the trailer to contain the spill while the remaining product was pumped off. The spill was attributed to a leaking bulkhead in a bottom-vented dummy compartment. Sand was hauled to the site to absorb the spill and the contaminated sand was later disposed of under the direction of the Environmental Protection Division.

- 3) DATE: July 15, 1996  
PRODUCT: fuel oil  
SPILL QUANTITY: 182 l  
LOCATION: Fort MacPherson  
CAUSE: faulty valve

A load of fuel oil was being pumped into a storage tank when the leak was detected. The transport trailers were moved onto a plastic liner and berms were built around the trailers to prevent further loss of product. The fuel spilled on crushed gravel that was later spread out and dried in the sun.

- 4) DATE: September 19, 1996  
PRODUCT: liquid propane  
SPILL QUANTITY: 1,500 l  
LOCATION: Hay River

CAUSE: leaking product pump

Propane was being off loaded from a delivery vehicle when the leak was detected. The valves were closed and the immediate vicinity evacuated until the gas dissipated into the atmosphere.

#### **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 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 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 1996 and no appeals to directives were made in 1996.

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

#### **CITATIONS AND CONVICTIONS**

Of the 4,295 vehicles transporting dangerous goods, 13 violations of the *TDG Act* and regulations were detected resulting in seven summary offence charges and six written warnings were issued.



Four summary offence charges were laid for missing or improper documentation of dangerous goods and three were laid for missing or improper safety marks.

One written warning was issued for missing or improper documentation. Four written warnings were issued for missing or improper safety marks. One warning was issued for operating a vehicle transporting dangerous goods without being a trained person.

## **SUMMARY**

The enforcement of the Transportation of Dangerous Goods Act remains a high priority for the Department of Transportation in preventing incidents involving dangerous goods and in mitigating potential hazards to the public or the environment that may result. Although the truck traffic recorded at the Enterprise and Inuvik inspection stations was down from 1995, Transport Officers issued more tickets and warnings in 1996 than in previous years. The reported dangerous goods spills in 1996 occurred mainly in the course of loading and unloading operations.

It has been forecast that 1997 will be a busy year for highway transport in the Northwest Territories as a result of new developments in the mining industry. Preliminary indications, as evidenced by higher traffic volumes at the Enterprise weigh scale, are that fuel oil and other materials and supplies destined for the new mining developments will be up substantially over 1996.

Currently the Department of Transportation is working with federal and provincial representatives on a new "Clear Language" amendment to the Transportation of Dangerous Goods Regulations. The "Clear Language" concept is intended to give all those involved in the safe transport of dangerous goods a better understanding of the law and how to apply it.

