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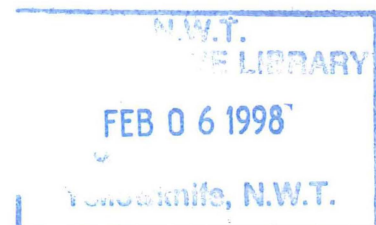


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MINISTER OF TRANSPORTATION'S
REPORT TO THE LEGISLATIVE ASSEMBLY
FOR 1997

TRANSPORTATION OF DANGEROUS GOODS ACT (1990)

PREPARED BY:
DEPARTMENT OF TRANSPORTATION
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MINISTER OF TRANSPORTATION'S REPORT
TO THE LEGISLATIVE ASSEMBLY FOR 1997
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*. 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 weigh scale facilities 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 1997, 24,479 transports reported to the Enterprise scale for inspection. Of these, 15,137 were loaded and were weighed. At the Inuvik scale 5841 transports were weighed. Of a total of 20,978 vehicles, 5,497 were transporting dangerous goods.

The Enterprise Weigh Scale handles the majority of 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 1997. 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 all highways in the South Mackenzie Region. One officer is based at Yellowknife and two others are based at Hay River. All Highway Patrol and Highway Transport Officers are designated as Transportation of Dangerous Goods Inspectors. The officers on duty at the Enterprise and Inuvik Scales record a profile of the types and approximate quantities of dangerous goods moving on the territorial highway system while they are open. The following table lists the dangerous goods most commonly carried by truck transports in the Northwest Territories. Hydrocarbon fuels account for the majority the dangerous goods traffic on the highway system. Approximately 25 percent of all trucks on the highway are transporting dangerous goods.

<u>Commodities</u>	<u>Quantities</u>
Fuel oil/diesel - heating	106,116,000 L
Gasoline - Automotive	28,457,184 L
Aviation Fuel	19,008,000 L
Propane	16,469,000 L
Ammonium Nitrate	4,700,800 KG
Sodium Cyanide	1,665,526 KG
Explosives	824,000 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 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 1997.

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 1997.

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 1997 a total of 275 dangerous goods spills were reported via the Spill Line. Of these, four were road transport related spills. Two of the spills were from vehicles engaged in transporting dangerous goods loads and the other two were spills from motive fuel tanks of transport units. Three of the accidents resulted in diesel fuel spills. The other spill was from a vehicle transporting a load of Ammonium Nitrate. Details of each spill are as follows:

DATE January 28, 1997
PRODUCT Diesel Fuel
SPILL QUANTITY 550 litres
LOCATION 4 km South of Mezanod Lake on Rae Lakes ice road
CAUSE Truck broke through the ice

While engaged in constructing the winter road to Rae Lakes, a plow truck fell through the ice. Total fuel in the fuel tanks was estimated at 550 litres.

DATE February 10, 1997
PRODUCT Ammonium Nitrate
SPILL QUANTITY 110 kilograms
LOCATION Westlock, AB to Enterprise, NT
CAUSE Faulty transport trailer

After weighing at the Enterprise Weigh Scale the driver proceeded to the company yard in Enterprise. After returning to his truck he observed a small quantity of product below the trailer. Subsequent inspection revealed an internal liner had failed in transit since his last vehicle inspection at Westlock, Alberta. After repairing the liner he reweighed the unit and based on the weight difference it was estimated that 110 kilograms had been lost. Because of the nature of the product and the effect of losing it over a long distance there was minimal potential hazard to the public or the environment.

DATE March 25, 1997
PRODUCT Fuel Oil
SPILL QUANTITY 900 Litres
LOCATION Kilometer 124, Highway 1
CAUSE Vehicle accident

As a result of a two transport truck collision, the trucks' fuel tanks ruptured. Total capacity of the tanks on the two trucks was 900 litres. Spill estimates range from 400 to 900 litres. The site was cleaned up and because of the extensive debris and the force of impact, the area of fuel contamination was difficult to determine. Post cleanup inspection did not reveal any indication of fuel in the vicinity of the accident.

DATE November 21, 1997
PRODUCT Fuel oil
SPILL QUANTITY 1270 Litres
LOCATION Kilometer 164, Highway 5
CAUSE Leaking product pump

While transporting a truck/pup trailer load of fuel oil on Highway 5 between Hay River and Fort Smith the drawbar hitch on the pup trailer broke and caused the trailer to uncouple from the truck and overturn. The tank ruptured and resulted in a loss of 1270 litres of product into the ditch. A tanker was dispatched from Hay River and the remaining product was transferred into it. The contaminated snow was removed and disposed of at an approved dumping facility.

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 and no appeals to directives were made in 1997.

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

Citations and Convictions

Of the 5,497 vehicles transporting dangerous goods, nine violations of the *TDG Act* and regulations were detected. Five summary offence tickets and four written warnings were issued. The five summary offence tickets were issued to drivers for operating a vehicle transporting dangerous goods without being a trained person. Three written warnings were issued for missing or improper safety marks and one for improper dangerous goods documentation.

SUMMARY

Traffic volumes in 1997 are down by a very small margin from those recorded for 1996 although dangerous goods traffic has increased substantially. As predicted in the 1996 report, this is likely linked to the increased demand for fuel oil and other dangerous goods associated with the high activity level in the mining sector.

The number of reportable dangerous goods spills was the same as the previous year although the volumes of spilled product are lower.

Violations of dangerous goods legislation were down in 1997 with the predominant problem being drivers transporting dangerous goods without being trained or failing to produce proof of training. The remaining violations related to safety marks and documentation were comparably minor errors or omissions. Inspectors determined written warning notices were appropriate considering the severity of the infractions.