

ANNUAL REPORT TO THE LEGISLATIVE ASSEMBLY FOR 2016 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. The *Transportation of Dangerous Goods Regulations* (the Regulations) were first amended in August 2002 to meet clear language requirements.

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 Transportation 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 Transportation's Road Licensing and Safety Division currently employs 8 Highway Transport Officers who weigh and inspect motor carrier traffic; 7 are based at the two weigh scale facilities at Enterprise and Inuvik, one is based out of Yellowknife, and 2 Managers based in Hay River and 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 2016, approximately 7,967 loaded transports reported to the Enterprise and Inuvik scales for inspection. Of these 2,462 were transporting dangerous goods. According to these figures, about 31 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 17,383 northbound trucks in 2016, compared to 19,883 in 2015, a 12.6 percent decrease. It can be assumed that the quantities of dangerous goods transported in the NWT decreased 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	5,820	1,633
Inuvik	2,147	829
Total	7,967	2,462

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	43,197,000 l	3,699,700 l
Gasoline – Automotive	5,832,000 l	1,725,500 l
Aviation Fuels	10,070,000 l	3,777,000 l
Propane	5,248,000 l	3,974,500 l
Liquefied Natural Gas	0 l	2,219,500 l
Ammonium Nitrate	8,419,000 Kg	0 Kg
Explosives	54,270 Kg	355,000 Kg

PERMITS, APPLICATIONS and AMENDMENTS

There are provisions in the 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 TDG 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 2016.

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 TDG 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 2016.

REPORTS OF ROAD TRANSPORT RELATED SPILLS

Section 34 of the TDG Act requires spills of dangerous goods be reported to the NWT Spill Report Line. The 24 Spill Report Line is administrated by ENR 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 2016, 5 road transport related spills were reported to the Spill Line, resulting in 12,530 litres of fuel oil being spilled. Details of the spills are shown in the table below.

Spill Number	Date	Location	Commodity	Spill Quantity
16-053	February 23, 2016	Tibbitt-Contwoyto Winter Road, Portage 49	Diesel Fuel	105 L
16-060	February 29, 2016	Fort Good Hope, local road	Diesel Fuel	75 L
16-069	March 5, 2016	Deline Winter Road, km 106	Diesel Fuel	50 L
16-074	March 9, 2016	Highway 8, km 108.3	Diesel Fuel	300 L
16-076	March 12, 2016	Mackenzie Valley Winter Road, km 788.0	Diesel Fuel	12,000 L

DIRECTIVES, APPEALS AND RECOVERIES

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.

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 NWT Minister of Transportation was not required to issue any directives and no appeals to directives were made in 2016.

CITATIONS AND CONVICTIONS

In 2016 the Department of Transportation issued 8 Summary Offence Tickets for violations of the TDG Act and Regulations. These are summarized in the following table.

Section	Description	Count
4.2	Displaying misleading safety marks	4
4.5(b)	Transporting dangerous goods without displaying proper safety marks	1
5.14	Transporting DG Class 3 with expired VK inspection	1
6.1(1)(a)	Employer directing or allowing employee to transport dangerous goods	1
6.8	Failure to produce training certificate	1
	Total:	8