

**Public Service of New Hampshire d/b/a Eversource Energy  
Docket No. DE 20-005**

**Date Request Received: 05/28/2020**

**Date of Response: 06/12/2020**

**Request No. STAFF 1-020**

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**Request from: New Hampshire Public Utilities Commission Staff**

**Witness: Catherine Finneran**

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**Request:**

Please provide a copy of the MBI "Claim of Change of Condition" dated February 28, 2017, and described in the Report at Bates page 138.

a. Please list all changes in demolition protocols or practices or material handling or practices identified or proposed by MBI in its February 2017 Claim of Change of Condition or the February 2, 2018 amendment to Eversource's project contract with MBI.

**Response:**

Please refer to Attachment Staff 1-020 for a copy of the MBI "Claim of Change of Condition" dated February 28, 2017, and described in the Report at Bates page 138.

a. The following changes were identified:

- Ducted all negative air devices to a single exhaust through the existing Stack 5. This included the construction of multiple plenums to collect exhaust from numerous work spaces within the building
- Upgraded exhaust piping systems to provide more durable materials
- Added a 20,000 cfm portable HEPA unit
- Added three 3,500 cfm HEPA units for select locations in the building
- Added three HEPA equipped smoke eaters
- Designed and installed real time intake and exhaust monitoring with reporting capabilities, this included the design and permitting of the system
- Provided a portable chiller unit to provide cooled air for the workers
- Provided and maintained charcoal filtration of exhaust air systems

2/28/2017

Dan Watton  
Project Manager  
Eversource  
247 Station Drive  
Westwood, MA 02090  
[Daniel.Watton@eversource.com](mailto:Daniel.Watton@eversource.com)

Re: Schiller Station Boilers I & II Removal  
**Claim of Change in Conditions -**

Dear Mr. Watton:

Manafort Brothers Incorporated (MBI) met at the Eversource (ES) offices located in Westwood, MA on February 24, 2017 with representatives from ES and TRC to discuss the air emission compliance plan for the work involved with the removal of the mercury boiler units I and II at the Schiller Power Station located in Portsmouth, NH. In attendance at the meeting were Ellen Angley (ES), Katherine Finnernan (ES), Dan Watton (ES), Carl Stopper (TRC), Paul Arnold (TRC), Matt Robbins (TRC) Ray Topazio (TRC), Phil Kuszpa (TRC), Justin Manafort (MBI) and Vince Mondo (MBI).

MBI explained to the group that the air emission compliance plan for the project is under review by TRC in an effort to determine the best path moving forward to develop a plan that will allow the work to be completed within the project scheduled duration and within the local regulations for emissions. MBI stated that the levels of mercury encountered thus far, have far exceeded the reasonable expectations and conclusions made by a responsible bidder during the bid proposal process. The contract document, Exhibit E, Attachment E-1, states "At the time of the decommissioning *the liquid and mercury vapor was removed*. However, "*residual*" amounts of mercury may currently exist in low points of piping and other areas that were not accessible during the decommissioning." [Emphasis added] Based on this clear and succinct language, MBI/TRC had reasonably derived that the mercury containing systems had, in fact, been previously drained and expected, as Attachment E-1 states, that only "*residual*" mercury remained in the mercury containing systems. To date, MBI work crews have encountered elemental mercury in many places that were neither revealed by the Contract Documents nor inferred by a reasonable bidder from the documents and drawings provided during bidding to contain mercury. These include, but may not be limited to, the exhaust gas flue ductwork, mercury saturated asbestos pipe wrap/insulation, and within the metal wall panels of the former control room. MBI has also found free mercury under cabinets and on top of equipment as well as large quantities of free mercury in some of the piping removed. These unexpected discoveries have all been documented in daily logs and communicated as required.

MBI submitted a revised project schedule to ES on February 23, 2017. The revised schedule included the several changes in the sequence of work to account for the use of the existing stack during the demolition activities as a means of emission compliance. The schedule also included a loss of production due to the need to control emissions during the dismantlement process. These changes resulted in the revised completion date of December 27, 2017, approximately three months beyond the current schedule.

Ellen Angley expressed concern about the schedule extension and explained that the delay in completion could affect the potential sale of the facility. Mrs., Angley requested confirmation from MBI that this new schedule would be maintained. MBI explained that there is still a considerable amount of unknown information on the amount of mercury to be found, the location where mercury will be found and that changes in the mercury levels would have a direct impact on the waste characterization of the debris. In response to Mrs. Angley's request, MBI offers the following:

414 New Britain Avenue  
P.O. Box 99  
Plainville, CT 06062  
Phone: (860) 229-4853 Fax: (860) 747-6543  
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- MBI/TRC will continue to work within the limits of the HNDES regulations using the In Stack Concentration exemption until an alternate means of compliance is determined. MBI/TRC will continue to gather data to support emission compliance and use this information to better predict the overall schedule impact.
- TRC will continue to look at alternate means of compliance, specifically through dispersion modeling.
- MBI will pursue alternate means for hazardous debris disposal, such options include large component disposal which has the potential of decreasing mercury vapor creating cutting activities.
- MBI will pursue alternate means for material processing such as hydraulic cutters.

TRC anticipates that review of the air and meteorological data required to complete the dispersion modeling will be completed by March 10, 2017. Once the model information is completed and transmitted to MBI, work crews will work to make any required revisions to the current air discharge systems. Once these changes are made, MBI/TRC will continue to monitor till the end of March to ensure compliance. When MBI/TRC can confirm these changes are effective, MBI will confirm the completion schedule for the project. To summarize the current status of the project, the representations in the bid documents (Exhibit E-1) that “At the time of the decommissioning the liquid and mercury vapor was removed. However, residual amounts of mercury may currently exist in low points of piping and other areas that were not accessible during the decommissioning” has proven to be inaccurate and the levels remaining are too great to be removed by MBI while complying with local, state, and federal regulations which limit emissions. Accordingly, there is a change in the condition of the building/Project from what was represented in the bid documents and Contract Documents and the Parties need to work together to find an acceptable remedy.

As always, MBI will continue to work effectively within the allowable emission parameters until a time that an alternate plan is determined to be acceptable.

Please feel free to contact our office to discuss this further.

Sincerely,

MANAFORT BROTHERS, INC.

Vince Mondo  
Vice President

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<sup>i</sup> Definition of “residual” from Merriam- Webster dictionary: of, relating to, or constituting a residue.