

EXHIBIT 9



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March 10, 2006

Team Leader, Hudson River Team
Emergency and Remedial Response Division
United States Environmental Protection Agency, Region 2
290 Broadway, 19th Floor
New York, New York 10007-1866
Attn: Douglas Garbarini, Hudson River PCBs Superfund Site (3 copies – 1 unbound)

Chief, New York/Caribbean Superfund Branch
Office of Regional Counsel
United States Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, New York 10007-1866
Attn: Hudson River PCBs Superfund Site Attorney (1 copy)

Director, Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway, 12th Floor
Albany, New York 12233-7011
Attn: Hudson River PCBs Superfund Site (3 copies – 1 unbound)

Director, Bureau of Environmental Exposure Investigation
New York State Department of Health
547 River Street
Troy, New York 12180
Attn: Hudson River PCBs Superfund Site (2 copies)

Re: Potential Noise Impacts from Phase 1 of Remedial Action

Dear Sir or Madam:

Since the submission of the Phase 1 Intermediate Design Report (Phase 1 IDR), we have advanced and revised the noise modeling program to reflect the project design as it will be presented in the Phase 1 Final Design Report (Phase 1 FDR). We have identified through this modeling effort four Phase 1 activities which, in the absence of control or mitigation measures, are predicted to generate noise levels that would exceed the numerical noise criteria set forth in the Quality of Life Performance Standards (QoLPS) at nearby residential or commercial/industrial receptors. As is discussed in detail below, for two of these activities, we have identified engineering control or mitigation measures that contractors can implement which would reduce the noise levels to within the applicable noise criteria. Despite diligent efforts, we have not yet identified any such measures for the other two activities. As such, this letter constitutes notice in accordance with

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Paragraph 35 of the Remedial Design Administrative Order on Consent (RD AOC) and page 3-3 of the Remedial Design (RD) Work Plan, that it may not be feasible to design the project to meet applicable noise criteria for two short-term project construction-related activities.

The four activities that are predicted to cause noise in excess of the applicable noise criteria absent engineering control or mitigation measures are:

- Operations at the processing facility and associated unloading wharf at night;
- Dredging at night within 200 feet of residences;
- Sheet pile installation in the East Griffin Island Area (EGIA); and
- Turning and mooring dolphin installation downstream of Lock 7.

For the first two activities, we have identified engineering control measures or mitigation measures that contractors could implement which would reduce the noise levels to within the applicable noise criteria. We have incorporated these measures into the Phase 1 FDR design plans and contract specifications.

For the other two activities, both of which are short-term daytime activities involving pile driving, we have evaluated a variety of potential engineering control or mitigation measures for these activities, but have not yet identified control or mitigation options that practically and reliably reduce resulting noise levels below the applicable noise criteria. We are continuing to explore potential engineering control or mitigation measures and will seek additional potential techniques from the selected contractors. A detailed discussion of these two activities and our efforts to identify potential engineering control or mitigation measures is provided below.

Sheet Pile Installation

As described in the Phase 1 IDR, we will install resuspension control structures, including sheet piles, around a portion of the areas to be dredged in the EGIA. Based upon further evaluation of the geotechnical characteristics of the sediments in this area, we have determined that we will need to drive additional pile-based support structures (batter piles and king piles) into the bedrock below the sediments in order to provide a stable and safe sheet pile resuspension control structure. While we can install much of the sheet piling with a vibratory hammer, we will need to drive king piles into the rock with an impact hammer. We currently estimate that we will use vibratory hammering approximately 80% of the time and impact hammering for the remaining 20% of the time to install the sheet pile wall. We will install the sheet pile resuspension barrier only in the daytime over an approximate one to two week period.

The noise model predicts that the noise levels resulting from vibratory hammering would exceed the daytime residential and commercial/industrial standard of 80 dBA at a distance of approximately 180 feet and the daytime residential control level of 75 dBA at a distance of approximately 325 feet. It also predicts that the noise levels from impact hammering would exceed the daytime residential and commercial/industrial standard of 80 dBA at a distance of approximately 325 feet and the daytime residential control level of 75 dBA at a distance of approximately 575 feet. If sheet piling is installed in a portion of dredge area EGIA01B as planned, the model predicts that: (1) the noise levels from vibratory hammering would exceed the daytime residential control level at three nearby residences and the daytime residential standard at one of those residences; and (2) the noise levels from impact hammering would exceed the daytime residential control level and

standard at the same three residences and the daytime commercial/industrial standard at one non-residential receptor location.

We have considered several noise control/mitigation options to reduce the noise generated by this activity in the EGIA. These include (1) installation of a sound barrier along the shoreline between the sheet pile installation and the residences, (2) placing a temporary barge-mounted sound barrier along the shore, and (3) use of sound-dampening blankets around the pile-driving hammerhead. The installation of a 20+ foot high sound barrier wall along the shoreline between the sheet pile installation and the residences should provide desired noise reductions, however, the installation of such a wall would itself generate considerable noise. In addition, access issues would need to be resolved with the homeowners. As a result, it does not appear to be a practicable approach. Likewise, the use of a temporary barge-mounted 30-foot high sound barrier placed along the shore also would not be practicable as it could not be used for mitigation when driving sheets adjacent to the shoreline. Finally, we have been unable to find project data that demonstrate the noise-reduction effectiveness of placing sound-dampening blankets around the pile-driving hammerhead. As such, we cannot conclusively determine whether these devices would adequately reduce noise levels.

In short, at this time, due to the uncertainties regarding the effectiveness and/or implementability of these options, as well as the impracticality of installing high sound barrier walls for short-term noise control, we cannot conclusively determine that we can meet the QoLPS for noise when installing sheet piling in EGIA.

Installation of Mooring Dolphins

The Final Design calls for the installation through impact hammering of a series of dolphins downstream of Lock 7 to provide mooring locations for barges waiting to transit through the lock. The model predicts that installation of these mooring dolphins will generate noise levels in excess of the daytime control level of 75 dBA at 11 residences, with four of those residences also exceeding the daytime residential standard of 80 dBA. This daytime-only installation is a short-term process and should be completed within an approximate two-week period.

We have considered several engineering control and mitigation options to reduce these noise levels, including a sound barrier wall, temporary barge-mounted sound barrier wall along the shore, and use of sound-dampening blankets around the pile-driving hammerhead. However, for the reasons discussed above, among others, regarding their effectiveness and/or limitations associated with their implementation, we cannot reliably conclude that the noise QoLPS can be met in this area.

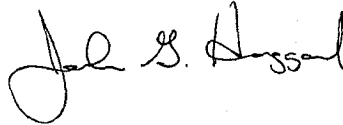
Summary

We are continuing to look for ways to mitigate the predicted noise exceedances associated with these activities. It is also possible that discussions with the contractors may identify additional techniques to consider, and we expect to engage them on this during the development and evaluation of proposals for the work. At this time, however, we have not been able to identify any available options that we can readily and reliably implement to reduce noise levels below the applicable short-term daytime criteria. As a result, we are providing EPA with this notification, in accordance with the RD AOC and RD Work Plan, that the design has not identified a feasible and workable approach that would allow us to demonstrate that the activities described above would achieve the numerical noise performance standards.

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Please call me to discuss these issues.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John G. Haggard". The signature is fluid and cursive, with the first name "John" being the most prominent.

John G. Haggard
Manager, Hudson River Program

cc: Scott Blaha, GE
Michael Elder, GE
Sheri Moreno, GE
Paul Doody, BBL