



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

SEP - 2 2008



Anthony E. Hummel
Discharges Permits Program
State of Delaware Department of Natural Resources & Environmental Control
Division of Water Resources
89 Kings Highway
Dover, Delaware 19901

Dear Mr. Hummel,

This is in response to your letter dated August 20, 2008 transmitting a Fact Sheet for the reissuance of National Pollutant Discharge Elimination System (NPDES) Permit No. DE0000736 for Pinnacle Foods Group LLC's facility in Millsboro, Delaware. Discharges from the facility enter Whartons Branch, a tributary to Iron Branch and Indian River. These comments are offered under the terms of the *Memorandum of Agreement Between the EPA, Fish and Wildlife Service and NOAA Fisheries Regarding Enhanced Coordination Under the CWA and ESA* (CWA/ESA MOA; EPA-823-R-02-003) and Delaware's NPDES regulations at Section 6.31.c.

While several species listed by NOAA's National Marine Fisheries Service (NMFS) occur off the Atlantic coast of Delaware and sea turtles may occur near the mouth of Indian River, no threatened and/or endangered species are known to occur in Whartons Branch, Iron Branch or in upper Indian River near the discharge site. If you have any questions regarding these comments, please contact Julie Crocker at (978)281-9300 x6530. NMFS appreciates the opportunity to provide comments on NPDES permits issued by the State of Delaware and looks forward to working cooperatively with your agency in the future.

Sincerely,


for Mary A. Colligan
Assistant Regional Administrator for
Protected Resources

