



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

May 9, 2025

Shane Kostka
Digger Pond, Auvil Fruit LLC, CEO
21902 US Hwy 97
Orondo, WA, 98843
SKostka@landauinc.com

Re: No Further Action Necessary Under State Cleanup Law for the following Contaminated Site Based on Initial Investigation:

- **Site Name:** Merano Orchard AST
- **Site Address:** 22942 US Hwy 97, Orondo
- **Facility/Site ID:** 100000140
- **Cleanup Site ID:** 17196
- **ERTS ID:** 734943

Dear Shane Kostka:

The Washington State Department of Ecology (Ecology) received your report regarding a release of hazardous substances at the Merano Orchard AST (Site) and your independent cleanup of that release. We have investigated and reviewed the release and cleanup information, as required under RCW 70A.305.030(2)(d)¹ and WAC 173-340-310.²

Based on the investigation, Ecology has determined that the release posing a threat to human health or the environment occurred, but **no further remedial action is necessary** to clean up the contamination.

Ecology bases this determination on an analysis of whether the remedial action meets the substantive requirements of the Model Toxics Control Act, Chapter 70A.305 RCW,³ and the cleanup regulations adopted under that act, chapters 173-340⁴ and 173-204⁵ WAC (collectively called the “state cleanup law”).

¹ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.030>

² <https://app.leg.wa.gov/wac/default.aspx?cite=173-340-310>

³ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

⁴ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340>

⁵ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-204>

Shane Kostka
Digger Pond, Auvil Fruit LLC, CEO
May 9, 2025
Page 2

Based on this determination, Ecology has added the Site to the No Further Action Sites List⁶ and assigned it Cleanup Site ID No. 17196. You can find information and electronic records for the Site on its webpage.⁷

This determination applies only to the release(s) described in the release report dated November 11, 2024, that have a completed independent remedial action.

Ecology bases this determination on the information contained in the following documents:

- Landau Associates, Updated No Further Action Determination Request Notification, January 31, 2025⁸
- Landau Associates, Environmental Report Tracking System Closure Request, March 21, 2025.⁹

You can request these and other site file documents by submitting a records request.¹⁰ For help making a request, contact the Public Records Officer at recordsofficer@ecy.wa.gov or call (360) 407-6040.

This determination is void if information in any of the listed documents is materially false or misleading.

The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this determination. See RCW 70A.305.170(6).¹¹

If you have any questions about this determination, please contact the regional Initial Investigation Coordinator, Tavi Wise, at 509-406-6959 or tavi.wise@ecy.wa.gov.

Sincerely,



Section Manager
Toxics Cleanup Program
Central Regional Office

By certified mail: 9414 8098 9864 3069 9366 44

⁶ <https://apps.ecology.wa.gov/cleanupsearch/reports/cleanup/nfa>

⁷ <https://apps.ecology.wa.gov/cleanupsearch/site/17196>

⁸ <https://apps.ecology.wa.gov/cleanupsearch/document/155649>

⁹ <https://apps.ecology.wa.gov/cleanupsearch/document/155648>

¹⁰ <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>

¹¹ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170>