
Lahontan Regional Water Quality Control Board

DATE: April 7, 2025

TO: Tahoe Keys Lagoons GovDelivery Distribution List

PUBLIC NOTICE OF AVAILABLE DOCUMENTS FOR REVIEW AND COMMENT

AND

NOTICE OF PUBLIC MEETING TO CONSIDER

ADOPTION OF RESOLUTION NO. R6-2025-XXXX, RESCISSION OF PROJECT APPROVALS REGARDING TAHOE KEYS LAGOONS AQUATIC WEED CONTROL METHODS TEST (RESOLUTION NO. R6T- 2022-002, RESOLUTION NO. R6T-2022-003, BOARD ORDER NO. R6T- 2022-004, AND BOARD ORDER NO. R6T-2022-0005)

Lahontan Regional Water Quality Control Board (Lahontan Water Board) is proposing to adopt Lahontan Water Board Resolution No. R6-2025-XXXX which would:

- (1) Vacate and set aside Resolution R6T-2022-0002 Certification Of California Environmental Quality Act Final Environmental Impact Report For The Tahoe Keys Lagoons Aquatic Weed Control Methods Test
- (2) Vacate and set aside Resolution No. R6t-2022-0003 Granting an Exemption to The Aquatic Pesticide Discharge Prohibition In The Water Quality Control Plan For The Lahontan Region For The Tahoe Keys Lagoons Aquatic Weed Control Methods Test For The Tahoe Keys Property Owners Association City Of South Lake Tahoe
- (3) Terminate Order No. R6T-2022-0004 Waste Discharge Requirements And National Pollutant Discharge Elimination System (NPDES) Permit For Tahoe Keys Property Owners Association Tahoe Keys Lagoons Aquatic Weed Control Methods Test. This termination has the same effect as rescinding the NPDES permit.
- (4) Rescind Mitigation Monitoring And Reporting Program No. R6T-2022-0005 Mitigation Monitoring And Reporting Program For The Tahoe Keys Lagoons Aquatic Weed Control Methods Test For The Tahoe Keys Property Owners Association City Of South Lake Tahoe

ESSRA MOSTAFAVI, CHAIR | MICHAEL R. PLAZIAK, PG, EXECUTIVE OFFICER

NOTICE IS HEREBY GIVEN that the California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) will receive written comments on tentative Resolution No. R6-2025-XXXX, Rescission of Project Approvals Regarding Tahoe Keys Lagoons Aquatic Weed Control Methods Test. Written comments must be received no later than 5:00pm on April 17, 2025. Written comments may be submitted electronically, via email, with the subject "Comments on TKPOA CMT rescission" to lahontan@waterboards.ca.gov, or submitted in hard copy to 2501 Lake Tahoe Boulevard, South Lake Tahoe, CA 96150, to the attention of Timothy Middlemis-Clark. Except at the discretion of the Regional Water Board Chair, written material received after 5:00pm on April 17, 2025 will not be accepted.

NOTICE IS HEREBY GIVEN that the California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) will hold a public meeting to receive public comments and consider adoption of the Proposed Resolution, as follows:

DATE: May 13, 2025

TIME: 10:00 a.m.

PLACE: Lahontan Water Board Annex, Hearing Room, 971 Silver Dollar Avenue, South Lake Tahoe, CA 96150

And

Lahontan Regional Water Quality Control Board, 15095 Amargosa Road, Bldg. 2, Suite 210, Victorville, CA 92394

And

Via video and teleconference

This public meeting is currently scheduled to take place in-person and via video and teleconference, but the format may be changed in the future. Any person wishing to obtain information about changes to the date, time, location, or format of the meeting should visit the Board's website at:

https://www.waterboards.ca.gov/lahontan/board_info/remote_meeting/. The final meeting agenda will be available on the Board's website at least 10 days before the meeting. The agenda will provide the location and format of the meeting, the anticipated date the meeting will be held for this item, and the anticipated order of all agenda items; however, the Board may consider agenda items out of their listed order. The agenda materials may also include staff revisions to the proposed resolution. Advanced Zoom registration is required to participate telephonically or by computer. Procedures for viewing and/or participating in the hearing, including for submitting Virtual Speaker Cards for individuals who want to provide oral comments, are available on the Lahontan Water Board's website at:

https://www.waterboards.ca.gov/lahontan/board_info/remote_meeting/ and are also

available in the agenda for the meeting or by contacting the Lahontan Water Board's office. Questions regarding such procedures should be directed to the Lahontan Water Board at (530) 542-5400.

Lahontan Water Board Document Availability:

The proposed resolution is available on:

https://www.waterboards.ca.gov/lahontan/board_decisions/tentative_orders/. Copies of any documents can also be obtained by contacting the Lahontan Water Board's office at (530) 542-5400, or visiting the office at 2501 Lake Tahoe Blvd., South Lake Tahoe weekdays between 8:00 a.m. and 5:00 p.m. The Final Meeting Agenda is available at [Board Meeting Schedule for 2025](#).

The Procedures Governing Lahontan Water Board Meetings

https://www.waterboards.ca.gov/laws_regulations/ may be found at Title 23, California Code of Regulations, Section 647 et seq. and are available upon request.

Individuals requiring special accommodations are requested to send an email to Lahontan@waterboards.ca.gov with the subject line "Special accommodation for Board Meeting," or call (530) 542-5400 at least five working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or by voice line at 1-800-735-2922.

Questions may be directed to Timothy Middlemis-Clark at the Lahontan Water Board Office at (530) 542-5463 or Timothy.Middlemis-Clark@Waterboards.ca.gov.

DRAFT

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD LAHONTAN REGION

RESOLUTION NO. R6-2025-XXXX [DRAFT]

RESCISSION OF PROJECT APPROVALS REGARDING TAHOE KEYS LAGOONS AQUATIC WEED CONTROL METHODS TEST (RESOLUTION NO. R6T-2022-002, RESOLUTION NO. R6T-2022-003, BOARD ORDER NO. R6T-2022-004, AND BOARD ORDER NO. R6T-2022-0005)

WHEREAS:

1. The Tahoe Keys Lagoons Aquatic Weed Control Methods Test Project is a project by Tahoe Keys Property Owners Association (TKPOA) that, in part, evaluates the efficacy of two aquatic herbicides, ultra-violet light treatment, and laminar air flow treatment for rapidly reducing the biomass of two aquatic invasive plants species in the Tahoe Keys Lagoons, South Lake Tahoe, to levels that can subsequently be controlled with non-chemical control methods.
2. On January 13, 2022, the Lahontan Water Board adopted the following resolutions and orders that allowed the Tahoe Keys Property Owners Association to use aquatic herbicides as part of the Tahoe Keys Lagoons Aquatic Weed Control Methods Test:
 - a. Resolution R6T-2022-0002 Certification of California Environmental Quality Act Final Environmental Impact Report For The Tahoe Keys Lagoons Aquatic Weed Control Methods Test
 - b. Resolution No. R6T-2022-0003 Granting An Exemption To The Aquatic Pesticide Discharge Prohibition In The Water Quality Control Plan For The Lahontan Region For The Tahoe Keys Lagoons Aquatic Weed Control Methods Test For The Tahoe Keys Property Owners Association City Of South Lake Tahoe
 - c. Order No. R6T-2022-0004 Waste Discharge Requirements And National Pollutant Discharge Elimination System (NPDES) Permit For Tahoe Keys Property Owners Association Tahoe Keys Lagoons Aquatic Weed Control Methods Test
 - d. Mitigation Monitoring And Reporting Program No. R6T-2022-0005 Mitigation Monitoring And Reporting Program For The Tahoe Keys Lagoons Aquatic Weed Control Methods Test For The Tahoe Keys Property Owners Association City Of South Lake Tahoe
3. On June 15, 2022, California Sportfishing Fishing Alliance filed a petition for writ of administrative mandate in El Dorado County Superior Court against the Lahontan Water Board. On August 18, 2022, CSPA amended their petition to include Sierra Club as a petitioner. On November 21, 2024, after the submittal of written briefs

and oral argument, the trial court granted the petition for writ of administrative mandate. On February 11, 2025, the Lahontan Water Board was served with the writ of mandate. The writ provides:

- a. “No later than ninety (90) days vacate and set aside approval of the Control Methods Test (Project) and any and all approvals rendered pursuant to and/or in furtherance of the implementation of the Project. Specifically, the Board is commanded to (a) withdraw its approval of the Pesticide Prohibition Exemption and to withdraw certification of the EIR, (b) rescind the NPDES permit with the exception of those portions of the permit that allow activities to restore water quality to continue to the extent they only can occur through the authority of the NPDES permit, and (c) determine which activities authorized by the NPDES permit, to the extent they exist, fall within this category to provide guidance to real party in interest Tahoe keys Property Owners Association.”
4. On April 3, 2025, TKPOA requested that the Lahontan Water Board terminate Order No. R6T-2022-0004 Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for Tahoe Keys Property Owners Association Tahoe Keys Lagoons Aquatic Weed Control Methods Test (“NPDES permit”). TKPOA states its request constitutes an expedited Notice of Termination to request termination of the NPDES permit consistent with 40 C.F.R. Section 122.64(c). Per the requirements for this expedited request, TKPOA states it has not been notified of, nor is it aware of, any pending State or Federal enforcement action. TKPOA states that termination of the NPDES permit is warranted as the discharge permitted by the NPDES permit has ended, TKPOA will no longer be discharging, and thus an NPDES permit is no longer needed or required. TKPOA also requests the simultaneous rescission of Mitigation Monitoring and Reporting Program No. R6T-2022-0005 (“MMRP”).
 5. TKPOA started applying aquatic herbicides to the Tahoe Keys Lagoon on May 25, 2022, and subsequently discharging aquatic herbicide residuals under the NPDES permit. The application events were completed on May 30, 2022, and no further aquatic herbicide applications and discharges are allowed under the resolutions and orders identified in Finding 2 of this Resolution. On February 28, 2025, TKPOA submitted the annual report for 2024. There are no remaining monitoring or reporting obligations required by the NPDES permit.
 6. TKPOA’s request for termination of the entire NPDES permit is appropriate on account of there being no further actions required of TKPOA, and the discharge allowed under the NPDES has ended. Though there are portions of the NPDES permit that allow activities to restore water quality, revising the NPDES permit to allow those sections of the permit to continue is unnecessary in light of TKPOA’s request for termination. Thus, pursuant to the request of TKPOA, rescission of the entire NPDES permit is appropriate and clarifies that TKPOA has no remaining obligations under the NPDES permit and that the discharge that was allowed under the NPDES permit has ended.

7. TKPOA's request for rescission of the MMRP is appropriate in account of there being no further actions required of TKPOA under the MMRP. While rescission of the MMRP was not specifically mandated by the court, rescission of the MMRP clarifies that TKPOA has no remaining obligations under the MMRP.

THEREFORE, BE IT RESOLVED THAT:

The Lahontan Water Board:

1. Vacates and sets aside Resolution R6T-2022-0002 Certification Of California Environmental Quality Act Final Environmental Impact Report For The Tahoe Keys Lagoons Aquatic Weed Control Methods Test.
2. Vacates and sets aside Resolution No. R6T-2022-0003 Granting An Exemption To The Aquatic Pesticide Discharge Prohibition In The Water Quality Control Plan For The Lahontan Region For The Tahoe Keys Lagoons Aquatic Weed Control Methods Test For The Tahoe Keys Property Owners Association City Of South Lake Tahoe.
3. Terminates Order No. R6T-2022-0004 Waste Discharge Requirements And National Pollutant Discharge Elimination System (NPDES) Permit For Tahoe Keys Property Owners Association Tahoe Keys Lagoons Aquatic Weed Control Methods Test. This termination has the same effect as rescinding the NPDES permit.
4. Rescinds Mitigation Monitoring And Reporting Program No. R6T-2022-0005 Mitigation Monitoring and Reporting Program For The Tahoe Keys Lagoons Aquatic Weed Control Methods Test For The Tahoe Keys Property Owners Association City Of South Lake Tahoe

CERTIFICATION

I, Ben Letton, Acting Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the California Regional Water Quality Control Board, Lahontan Region, held on May 13, 2025.

Ben Letton
Acting Executive Officer