

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

RESOLUTION NO. R6-2025-0015

RESCISSION OF PROJECT APPROVALS REGARDING TAHOE KEYS LAGOONS
AQUATIC WEED CONTROL METHODS TEST (RESOLUTION NO. R6T-2022-0002,
RESOLUTION NO. R6T-2022-0003, BOARD ORDER NO. R6T-2022-0004, 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 on 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