## Hunton Andrews Kurth LLP 50 California Street, Suite 1700 San Francisco, California 94111

## BEFORE THE HEARING BOARD OF THE BAY AREA AIR DISTRICT

## STATE OF CALIFORNIA

AIR POLLUTION CONTROL OFFICER of the BAY AREA AIR DISTRICT	) ) Docket No. <b>3746</b>	
Complainant,	) MOTION TO ) EXTEND FINAL ) COMPLIANCE	FILED
MARTIN MARIETTA MATERIALS, INC.	) DEADLINE )	AUG 25 2025
Respondent.	) -)	HEARING BOARD BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Respondent Martin Marietta Materials, Inc. (Martin Marietta) hereby moves and submits the following good cause basis to extend the final compliance date in the above-referenced matter from October 31, 2025 to October 31, 2026.

- 1. This motion is based on a stipulation and agreement between the Air Pollution Control Officer (APCO) for the Bay Area Air District (Air District) and Martin Marietta and the supporting declaration of Martin P. Stratte, environmental counsel for Martin Marietta. The circumstances giving rise to this motion were beyond Respondent's direct control and derive from the interim milestone for certification of the environmental impact report for the Pier 92 Modernization and Plant Replacement Project (Project) not having yet been met, notwithstanding Martin Marietta's best efforts and compliance with all of its obligations. A copy of the Joint Stipulation is attached as Exhibit 1 to this motion. A copy of the Declaration of Martin P. Stratte is attached as Exhibit 2.
- 2. On October 3, 2023, the APCO filed a petition with the Hearing Board seeking a Conditional Order for Abatement for the Martin Marietta Pier 92 facility based on alleged operations without a permit. A hearing in the matter was scheduled for April 16, 2024. On April 2, 2024 the parties submitted a Proposed Conditional Order for Abatement to the Hearing Board for its consideration. A hearing was held on April 16, 2024 and a Conditional Order for Abatement was entered on April 24, 2024 (Order).
- 3. While the Order specifies a final compliance deadline of October 31, 2025, consistent with

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discussion during the April 16, 2024 hearing, the Order explicitly provides for extension of the final compliance deadline for good cause shown given the inherent uncertainty associated with the environmental review process.

In particular, Paragraph 1.b of the Order expressly provides for extension of the compliance deadline in the circumstances presented by this motion:

Extension of Compliance Deadline. The compliance deadline in paragraph (a) may be extended by the Hearing Board for good cause shown, which may include factors outside of Respondent's direct control. Good cause may include a failure of any government agency or entity to meet the interim milestones upon which the final compliance date is based.

- To inform the good cause assessment, the Order contains an interim milestone of September 30, 2024, for the City of San Francisco, as lead agency, to initiate the environment review of the Project. This milestone was met by the City. The Order set the next interim milestone for the City to certify the environmental impact report (EIR) for the Project, on September 30, 2025. This certification is required by law before the Air District can reach a final determination on a permit for the Project.
- All of the stakeholders, including Martin Marietta, the Port, and the Air District have met all of the internal deadlines set by the City as part of its environmental review process and have made every effort to expedite that process. Based on its current internal schedule, the City does not anticipate certifying the EIR until, at the earliest, September 24, 2026, and accordingly, it will fail to meet the September 30, 2025 interim milestone.
- The Declaration of Martin P. Stratte, attached hereto, sets forth facts supporting Martin Marietta's compliance with the Conditional Order and its participation in and compliance with the deadlines and deliverables required to support the City's timely completion of the environmental review process. See Exhibit 2.
- The City has made substantial progress toward preparing the EIR, including undertaking numerous technical studies and releasing to the public its Notice of Preparation for the EIR on July 2, 2025; however, it currently projects that the environmental review process will not be completed until

Hunton Andrews Kurth LLP 50 California Street, Suite 1700 San Francisco, California 94111 September 24, 2026, at the earliest.

WHEREFORE, based on the City's current projected schedule, the Respondent respectfully requests that the Board extend the final compliance deadline in the above-referenced matter to October 31, 2026 to reflect the additional time that the City anticipates it will need to complete the environmental review process. The Respondent further requests that, pursuant to Hearing Board Rule 14.2 and the Stipulation of the parties attached as Exhibit 1, this matter be placed on the Hearing Board's Consent Calendar for September 9, 2025.

SO MOVED.

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Date: 8/2012025