STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT: Jazzy Graham-Davis
MEETING DATE: October 14, 2026

ITEM: 9

Martin Marietta Marine Operations, Sand Mining in Central Bay, 2027 through 2036 – Reissuance of Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certification

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DISCUSSION

The Revised Tentative Order (Appendix A) would reissue Waste Discharge Requirements (WDRs) and Water Quality Certification (Certification) for Martin Marietta Marine Operations (Martin Marietta) to continue subtidal sand mining activities in Central San Francisco Bay, including the discharge of decant/overflow water from these activities (Project).

Background

Before 2015, the Water Board adopted general WDRs for sand mining in the San Francisco Bay (Bay). In 2015, the Water Board adopted individual WDRs and Certification for each sand mining entity. This agenda item is one of three tentative orders for the Board's consideration. The orders would authorize continued sand mining in the Bay and would be issued to the three entities that have applied separately to continue mining: Martin Marietta Marine Operations; Lind Marine Incorporated; and Suisun Associates, a joint venture of Martin Marietta Operations and Lind Marine Incorporated. A map of all sand mining lease areas is included as Figure 1 of the Revised Tentative Order.

Mining of construction-grade sand in San Francisco Bay began in the 1930s. Sand as aggregate is a main component of concrete, asphalt, and road base. Sand is also used as clean backfill in site remediation projects. Based on data compiled by the Bay Conservation and Development Commission (BCDC), approximately 37,000,000 cubic yards (cy) of sand were mined in the Bay from the mid-1970s to 2015 by all entities. From 2015 through 2025 approximately 6,900,000 cy of sand were mined from the Bay by the three entities. The volumes of sand mined in the Bay fluctuate from year to year based on market demand. Sand mining volumes peaked in the late 1990s before the recession of 2001. Mined sand is transported to upland facilities (offloading facilities) around the Bay for processing and storage. A map of offloading facilities is included as Figure 2 in the Revised Tentative Order. Discharges from offloading facilities are permitted separately under the Water Board's General Permit for Aggregate Mining and

Sand Washing/Offloading Facilities (Order No. R2-2020-0028; NPDES No. CAG982001) and the statewide NPDES General Permit for Storm Water Discharges Associated with Industrial Activities (Order 2014-0057-DWQ, as amended NPDES Permit No. CAS000001). As such, those discharges are not addressed in the Revised Tentative Order.

The State Lands Commission (SLC) originally granted mineral extraction leases for sand mining in 1952 for PRC 709, 1957 for PRC 2036, 1995 for PRC 7779, and 1997 for PRC 7780. Most recently, these leases totaling 2,601 acres were reissued to Martin Marietta on February 9, 2026. A map of the lease areas is included as Figure 3 in the Revised Tentative Order.

On October 19, 2012, SLC, as lead agency, certified a Final Environmental Impact Report (EIR) for the three entities to mine a total of 2,040,000 cy annually from the Bay for ten years. On February 9, 2026, SLC certified a Final Supplemental Environmental Impact Report (SEIR) that analyzed changes to the project considering new monitoring and technical studies conducted after the certification of the EIR. The changes analyzed in the SEIR were the issuance of new 10-year leases, a reduction in the authorized annual materials extraction volume in four of the six lease areas from 2,039,866 cy to 1,750,000 cy, and the continued use of material offloading facilities. In the SEIR, the SLC determined that there were no significant effects that were not previously identified in the EIR.

On March 12, 2026, the San Francisco Baykeeper filed a Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief against the SLC challenging the certification of the SEIR and approval of the 10-year sand mining leases. Among other things, Baykeeper claims that the SLC used an improper baseline, failed to consider new information and changed circumstances, and failed to properly analyze impacts to sediment, fish and wildlife, coastal erosion, and recreation. The matter is still pending, and the court has not issued a stay. Since the Baykeeper lawsuit will not be resolved prior to the expiration of the Water Board's reasonable period of time to issue the Clean Water Act (CWA) Section 401 Certification, staff is recommending adoption of the WDRs and Certification so as not to waive CWA Section 401 permitting authority over the project. As a responsible agency, the Water Board is required to presume that the SEIR complies with CEQA and proceed with its consideration of the Revised Tentative Order. (Pub. Resources Code, § 21167.3, subd. (b).) If the Water Board adopts the Revised Tentative Order, such approval would constitute permission for Martin Marietta to proceed with the project at its own risk pending final determination of Baykeeper's challenge to the SEIR.

In 2025, the Water Board administratively issued a one-year water quality certification allowing sand mining. That certification was issued before adoption of the SEIR pursuant to California Water Code section 13160(b)(2), which allows the Water Board to issue a certification before the completion of environmental review if the Board determines that waiting until completion of that review poses a substantial risk of waiver of the Board's certification authority. In 2026, we administratively issued an additional

one-year water quality certification allowing sand mining during the preparation of the 10-year Revised Tentative Order following the certification of the SEIR.

The Revised Tentative Order would certify under CWA Section 401 that Martin Marietta's mining of up to 11,141,000 cy of sand over ten years, and up to 1,395,000 cy annually from Central Bay will not violate water quality standards or other appropriate requirements of state law and would also serve as waste discharge requirements under division 7 of the Water Code. The potential impacts of the Revised Tentative Order were analyzed in the EIR and the SEIR in that it would certify a volume of sand mining that is within the volume analyzed in the SEIR and regulates discharges analyzed in the EIR and SEIR. The Revised Tentative Order also includes avoidance, minimization, and compensatory mitigation measures that substantially lessen the significant environmental effects within the Water Board's purview to less than significant with mitigation.

The tentative order was circulated for a 30-day public comment period on August 4, 2026. We received comments on the initial tentative order from Martin Marietta and San Francisco Baykeeper/Surfrider Foundation (Baykeeper) during the public comment period (Appendix B). We responded to the comments and made changes to the tentative order where appropriate (Appendix C). Martin Marietta requested minor corrections and clarifications, which we made to the tentative order. One of Baykeeper's main comments was about the volume of sand that Martin Marietta would be authorized to mine, and potential impacts to beneficial uses due to sediment loss in the Bay from mining the authorized volume, including potential erosion impacts to coastal and Bay beaches, benthic habitat, and higher trophic level organisms. These comments are similar to comments made by Baykeeper on the previous WDRs and Certification for the Project. However, Baykeeper's most recent comments cite new studies on sand mining and request that the Water Board deny the request to issue WDRs and Certification for the Project. The Response to Comments (Appendix C) explains that the new studies determined there were local impacts associated with sand mining activities, for which the tentative order includes avoidance, minimization, and compensatory mitigation measures, but the assessment of the broader impacts claimed by Baykeeper was inconclusive. In response to the comments, the tentative order was revised to include more frequent bathymetric surveys and a bathymetric change assessment to aid in filling information gaps that will improve our understanding of the Project's broader potential impacts to coastal and Bay beaches, benthic habitat, and higher trophic level organisms. The Revised Tentative Order also includes other changes made in response to Baykeeper's comments.

Water Board staff also made minor non-substantive copy edits to the Revised Tentative Order, such as adding page numbers and abbreviations.

APPENDICES

A. Revised Tentative Order
B. Comments – see Item 8
C. Response to Comments – See Item 8
D. SLC 2012 Final Environmental Impact Report
E. SLC 2026 Final Supplemental Environmental Impact Report

Appendix A
Revised Tentative Order

Appendix B
Comments

For a copy of the comments, please contact Jazzy Graham-Davis via email to Jazzy.Graham-Davis@waterboards.ca.gov or at (510) 622-2509.

Appendix C
Response to Comments

Appendix D
SLC 2012 Final Environmental Impact Report

Download a copy of the SLC 2012 Final Environmental Impact Report from SLC's website.

Appendix E
SLC 2026 Final Supplemental Environmental Impact Report

Download a copy of the SLC 2026 Final Supplemental Environmental Impact Report from SLC's website.