

October 27, 2026

Kazuki Suzuki
Marine Engineering Specialist
RORO Division, NYK Group Americas Inc.
kazuki.suzuki@nykgroup.com

Dear Kazuki Suzuki:

On October 20, 2026, NYK Group Americas Inc. (NYK) requested prospective eligibility to qualify for remediation fund use for an extended period of NYK vessel visits that were previously scheduled to use a STAX Engineering (STAX) barge. NYK requested a minimum of one-month eligibility period. California Air Resources Board (CARB) approves this request. CARB is approving an eligibility period starting October 5, 2026, and ending November 27, 2026, one month from the date of this letter.

Enforceable Commitment

NYK operates vessels that visit multiple ports in California and are subject to emission control requirements under the Control Measure for Ocean-Going Vessels At Berth (Regulation), title 17 Cal. Code Regs. Sections 93130 et seq. STAX has Executive Order (EO) approval from CARB to operate a capture-and-control barge system to treat emissions from ro-ro vessels and is subject to sections 93130.5 and 93130.12 of the Regulation as a CARB Approved Emission Control Strategy (CAECS) operator. The remediation fund is a compliance option where regulated entities have made certain enforceable commitments to controlling emissions at berth, per Section 93130.15 of the Regulation. CARB recognizes the contract between NYK and STAX as an enforceable commitment to comply with the Regulation by using a CAECS.

Qualifying Circumstance

NYK's request for remediation fund eligibility qualifies through the criteria in Section 93130.15(b)(1), terminal equipment repairs, where equipment has failed and is being repaired. On October 5, 2026, STAX barge #3 in Hueneme experienced an equipment failure while attempting to connect to NYK's vessel Pleiades Leader. This barge is still being repaired. STAX has identified the issue and instituted corrective actions based on recommendations from their boom manufacturer. STAX has also hired a third-party forensic engineer to conduct an independent failure analysis. NYK has requested remediation fund eligibility for vessel visits that were previously scheduled to use a STAX barge at regulated California terminals while this analysis is pending.

Because this qualifying circumstance will span across multiple visits, CARB agrees that it is appropriate for NYK to use 93130.15(h), whereby regulated entities may seek a prospective eligibility determination from CARB to use the remediation fund option for multiple vessel visits over an extended time period.

Process for Confirming Use of Remediation Fund

CARB does not specify which regulated entity pays the remediation fund. Any regulated party (i.e., vessel operator, terminal, port, or third-party CAECS operator) may request to pay the remediation fund using NYK's eligibility.

The requestor shall make payments to the remediation fund administrator per Section 93130.15. These payments shall be based on the requestor's visit reports submitted to CARB within the required 30 calendar days per Section 93130.9(d)(5). The requestor shall ensure the start and end times of visits reported for remediation are accurate and provide any relevant vessel and engine information to CARB.^{1,2}

For each eligible visit reported during the prospective eligibility period, CARB staff will confirm the remediation fund payment amount with the fund administrator. The requestor shall transfer that amount to the fund administrator within 30 days of confirmation. This confirmation process is standard across all remediation fund approvals to ensure that fund administrators only receive eligible payments.

Conditions for Remediation Fund Eligibility

Under the qualifying circumstance described above, properly reported and documented NYK visits to regulated California terminals may be compliant through the remediation fund during the requested eligibility period.

The requestor is responsible for accurately reporting the correct number of remediation fund hours in the visit reports. Late remediation fund payments or insufficient remediation fund payments that fail to address all uncontrolled hours during visits claiming the remediation fund compliance option may result in visit(s) being considered noncompliant with the Regulation.

If at any point the previously provided commitment(s) to controlling emissions at berth are materially altered or terminated, or if the approved qualifying circumstance changes or no longer applies before the end of the approved eligibility period, this remediation fund compliance option pathway may no longer apply at that time, unless the regulated entities can provide justification for the change or another enforceable commitment can be demonstrated.

¹ There is a different hourly rate for different vessel types per Section 93130.15(f). The hourly rates for 2025/2026 are posted to CARB's remediation fund webpage at: <https://ww2.arb.ca.gov/our-work/programs/oceangoing-vessels-berth-regulation/remediation-fund>

² To remediate the entire duration of a vessel visit, the appropriate start time is two (2) hours after the vessel is declared "Ready to Work", and the appropriate end time is one (1) hour before pilot on-board in preparation for departure. These start and end times are specified in Sections 93130.7(e)(3), 93130.9(d)(4), and 93130.12(b)(2) which describe the emission control requirements for regulated visits. Each partial hour counts as a full hour for the purpose of calculating remediation payments per Section 93130.15(e).

Other Compliance Options and Seeking Additional Remediation Fund Eligibility

Please note that visits do not need to comply using the remediation fund if they are otherwise compliant, for example, through Vessel Incident Events or Terminal Incident Events as specified in Section 93130.11, or the research exception as specified in Section 93130.8(d) for visits that participate in testing specified in a CARB approved test plan.

If the current eligibility circumstances still apply by the end date of the requested eligibility period, NYK may reapply to receive another prospective eligibility determination for an additional period. Any regulated entity also has the option to request the remediation fund compliance option on a per-visit basis within 30 days of vessel departure, as specified in Section 93130.15(c).

Please reach out to Jonathan Foster, Staff Air Pollution Specialist, Marine Strategies Section at jonathan.foster@arb.ca.gov if there are any outstanding questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy Haynes", with a stylized, flowing script.

Tracy Haynes, Chief, Freight Activity Branch, Transportation and Toxics Division

cc: Jonathan Foster, Staff Air Pollution Specialist, Marine Strategies Section