paragraphs (b)(2)(i) through (iv) of this section are being met.

(c) Statement of connection. For storage vessels and transfer racks, the owner or operator shall submit the statement of connection reports for fuel gas systems specified in §63.999(b)(1)(ii), as appropriate.

§ 63.985 Nonflare control devices used to control emissions from storage vessels and low throughput transfer racks.

(a) Nonflare control device equipment and operating requirements. The owner or operator shall operate and maintain the nonflare control device so that the monitored parameters defined as required in paragraph (c) of this section remain within the ranges specified in the Notification of Compliance Status whenever emissions of regulated material are routed to the control device except during periods of start-up, shut-down, and malfunction as specified in the referencing subpart.

(b) Nonflare control device design evaluation or performance test requirements. When using a control device other than a flare, the owner or operator shall comply with the requirements in paragraphs (b)(1)(i) or (ii) of this section, except as provided in paragraphs (b)(2) and (3) of this section.

1) Design evaluation or performance test results. The owner or operator shall prepare and submit with the Notification of Compliance Status, as specified in §63.999(b)(2), either a design evaluation that includes the information specified in paragraph (b)(1)(i) of this section, or the results of the performance test as described in paragraph (b)(1)(ii) of this section.

(ii) Performance test. A performance test, whether conducted to meet the requirements of this section, or to demonstrate compliance for a process vent or high throughput transfer rack as required by §63.988(b), §63.990(b), or §63.995(b), is acceptable to demonstrate compliance with emission reduction requirements for storage vessels and transfer racks. The owner or operator is not required to prepare a design evaluation for the control device as described in paragraph (b)(1)(i) of this section if a performance test will be
performed that meets the criteria specified in paragraphs (b)(1)(ii)(A) and (B) of this section.

(A) The performance test will demonstrate that the control device achieves greater than or equal to the required control device performance level specified in a referencing subpart for storage vessels or transfer racks; and

(B) The performance test meets the applicable performance test requirements and the results are submitted as part of the Notification of Compliance Status as specified in §63.999(b)(2).

(2) Exceptions. A design evaluation or performance test is not required if the owner or operator uses a combustion device meeting the criteria in paragraph (b)(2)(i), (ii), (iii), or (iv) of this section,

(i) A boiler or process heater with a design heat input capacity of 44 megawatts (150 million British thermal units per hour) or greater.

(ii) A boiler or process heater burning hazardous waste for which the owner or operator meets the requirements specified in paragraph (b)(2)(ii)(A) or (B) of this section.

(A) The boiler or process heater has been issued a final permit under 40 CFR part 270 and complies with the requirements of 40 CFR part 266, subpart H, or

(B) The boiler or process heater has certified compliance with the interim status requirements of 40 CFR part 266, subpart H.

(iii) A hazardous waste incinerator for which the owner or operator meets the requirements specified in paragraph (b)(2)(iii)(A) or (B) of this section.

(A) The incinerator has been issued a final permit under 40 CFR part 270 and complies with the requirements of 40 CFR part 264, subpart O; or

(B) The incinerator has certified compliance with the interim status requirements of 40 CFR part 264, subpart O;

(iv) A boiler or process heater into which the vent stream is introduced with the primary fuel.

(3) Prior design evaluations or performance tests. If a design evaluation or performance test is required in the referencing subpart or was previously conducted and submitted for a storage vessel or low throughput transfer rack, then a performance test or design evaluation is not required.

(c) Nonflare control device monitoring requirements. (1) The owner or operator shall submit with the Notification of Compliance Status, a monitoring plan containing the information specified in §63.999(b)(2)(i) and (ii) to identify the parameters that will be monitored to assure proper operation of the control device.

(2) The owner or operator shall monitor the parameters specified in the Notification of Compliance Status or in the operating permit application or amendment. Records shall be generated as specified in §63.998(d)(2)(i).

§ 63.986 Nonflare control devices used for equipment leaks only.

(a) Equipment and operating requirements. (1) Owners or operators using a nonflare control device to meet the applicable requirements of a referencing subpart for equipment leaks shall meet the requirements of this section.

(b) Performance test requirements. A performance test is not required for any nonflare control device used only to control emissions from equipment leaks.

(c) Monitoring requirements. Owners or operators of control devices that are used to comply only with the provisions of a referencing subpart for control of equipment leak emissions shall monitor these control devices to ensure that they are operated and maintained in conformance with their design. The owner or operator shall maintain the records as specified in §63.998(d)(4).

§ 63.987 Flare requirements.

(a) Flare equipment and operating requirements. Flares subject to this subpart shall meet the performance requirements in 40 CFR 63.11(b) (General Provisions).

(b) Flare compliance assessment. (1) The owner or operator shall conduct an initial flare compliance assessment of any flare used to comply with the provisions of this subpart. Flare compliance assessment records shall be kept...