

authority is not adequately administering or enforcing a part 70 program, including a Tribal program, or any portion thereof, the Administrator will notify the permitting authority of the determination and the reasons therefore. The Administrator will publish such notice in the **Federal Register**.

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(c) *Criteria for withdrawal of State or Tribal programs.* (1) The Administrator may withdraw program approval in whole or in part whenever the approved

program no longer complies with the requirements of this part and the permitting authority fails to take corrective action. Such circumstances, in whole or in part, include any of the following:

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9. Section 70.11 is amended by revising the introductory text to read as follows:

§ 70.11 Requirements for enforcement authority.

Except for Tribal programs, with respect to criminal enforcement matters

only, under which the Tribe shall enter into a formal Memorandum of Agreement with EPA to provide for the timely referral of criminal enforcement matters to the appropriate EPA Regional Administrator, all programs to be approved under this part must contain the following provisions:

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