

- c. Initiation and assessment of a Class II administrative penalty for continuing violation pursuant to Section 309(g) of the CWA.
- d. Referral of the case to the U. S. Attorney with a recommendation for a civil or criminal action.
- e. If the Corps determines that an after-the-fact application is appropriate, it will be reviewed following the appropriate procedures.
- f. Any other appropriate response.

VIII. Duration of Authorization:

A. Duration of Authorization:

- 1. **Duration of MDSPGP-5 Authorization and Expiration Date:** Unless further modified, suspended, or revoked, this general permit will be in effect until five years from the effective date listed at the top of page 2. Upon expiration, it may be considered for renewal. Except as provided in Item 2 below, work authorized under this MDSPGP-5 must be completed before the MDSPGP-5 expires, is suspended, or revoked, whichever date occurs sooner. The Baltimore District will issue a public notice announcing any changes to the MDSPGP when they occur; however, it is incumbent upon permittees to remain informed of any changes to this MDSPGP-5. If this MDSPGP-5 is not modified or reissued within five years of its effective date, it automatically expires and becomes null and void. The Corps may re-evaluate the terms and conditions of this MDSPGP-5 at any time it deems necessary to protect the public interest.
- 2. **Grandfather Provision for Expiring MDSPGP-5:** Activities authorized under this MDSPGP-5 that have commenced or are under contract to commence the work in reliance upon this authorization, will have twelve months from the date of this MDSPGP-5's expiration, modification, or revocation to complete the activity under the terms and conditions of this MDSPGP-5. The permittee must be able to document to the Corps satisfaction that the project was under construction or contract by the appropriate date.

B. Previously Authorized Activities:

- 1. Activities that were completed based on a previous written authorization from the Corps for applications made prior to the effective date of the MDSPGP-5, shall remain authorized, as specified in their original project-specific verification, and need no further reverification.
- 2. All activities that have received written project-specific verification under the MDSPGP-4, based on applications made prior to the effective date of the MDSPGP-5, but that have not been completed, have 12 months from the expiration date of the MDSPGP-4 to complete the work under the terms and conditions of the MDSPGP-4. If the work cannot be completed within 12 months from the expiration date of the MDSPGP-4, the project must receive written reauthorization under the MDSPGP-5 or alternate Corps permit review procedures. If the project is grandfathered by MDE, the request for reauthorization will be forwarded to the Corps for review and Corps approval. Requests for modifications of previously authorized work under the MDSPGP-4 and/or special conditions are not grandfathered, and must be submitted in writing for written reauthorization under the MDSPGP-5 or alternate Corps permit review procedures.
- 3. Activities authorized pursuant to 33 CFR part 330.3 (activities occurring before certain dates) are not affected by the MDSPGP-5.