

CHAPTER 9
UNDERGROUND INJECTION CONTROL REGULATIONS

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NOTE: Rule-making authority cited for the formulation of the Underground Injection Regulations by the Guam Environmental Protection Agency, 10 GCA §53105. These rules were filed with the Legislative Secretary on October 2, 1981.

§5101. Authority. Title 10, Guam Code Annotated §53105 of the Guam Safe Drinking Water Act, authorizes and directs the Guam Environmental Protection Agency to promulgate regulations and establish an underground injection control program.

§5102. Purpose. The purpose of this Program is to prevent contamination and deterioration of Guam's groundwater resources by regulating underground injection wells, which may endanger the quality of present and future sources of drinking water.

§5103. Applicability and Coverage. These Regulations apply to and cover Class V injection wells only, which include non-hazardous liquid waste disposal wells, community septic system wells, sand backfill wells, recharge wells, including, but not limited to, drainage wells, cooling water return flow wells, air conditioning return flow wells, salt water barrier wells and subsidence control wells (not associated with oil and gas production), and wells not covered in Class IV that inject radioactive materials listed in 10 CFR Part 20, Appendix B, Table II, Column 2, and injection wells used to store hydrocarbons which are gases at standard temperature and pressure.

§5104. Definitions. (a) *Administrator* means the Administrator of the Guam Environmental Protection Agency or his authorized agent.

(b) *Agency* means the Guam Environmental Protection Agency.

(c) *Aquifer* means a formation, group of formations or part of a formation that contains sufficient saturated permeable material capable of yielding significant quantities of usable potable water supply to wells or springs.

(d) *Board* means the Board of Directors of the Guam Environmental Protection Agency.

(e) *Class V Injection Well* means the wells which do not fall under Classes I to IV: Class I wells are those used to inject industrial, nuclear and municipal wastes beneath the deepest stratum containing an underground drinking water source. Class II wells are used to dispose of fluids which are brought to the surface in connection with oil and gas production, to inject fluids for the enhanced recovery of oil or gas, or to store hydrocarbons. Class III wells are those used to inject fluids for the solution mining of minerals, for in situ gasification of oil shale and coal, and to recover geothermal energy. Class IV wells are those used by generators of hazardous wastes or by owners and operators of hazardous waste management facilities to inject into or above strata that contain underground drinking water sources.

(f) *Contaminant* means any physical, chemical, biological or radiological substance or matter in water which, as determined by the Agency, may have an adverse effect upon human health or may be harmful to the public welfare.

(g) *Draft Permit* means a notice of intent to issue or deny, modify, revoke and reissue, terminate or reissue a permit. A "proposed permit" is not a "draft permit".

(h) *Existing Injection Wells* means underground injection systems in operation in Guam prior to the effective date of these Regulations.

(i) *Facility or Activity* means any underground injection well including land and appurtenances thereto.

(j) *Federal Agency* means any department, agency or instrumentality of the United States.

(k) *Fluid* means material which flows or moves, whether semi-solid, liquid, gaseous or any mixture thereof.

(l) *Maximum Contaminant Level* means the maximum permissible level of a contaminant in water which is delivered to the outlet of the ultimate user of a public water system, except in the case of turbidity where the maximum permissible level is measured at the point of entry to the distribution system.

(m) *New Underground Injection* means an underground injection system placed in operation in Guam on or after the effective date of these Regulations.

(n) *Permit* means an authorization, license or equivalent control document issued by G.E.P.A. to implement the U.I.C. Program.

(o) *Person* means any individual, corporation, company, association, partnership, federal agency or subdivision, or agency of the government of Guam.

(p) *Schedule of Permit* means a schedule of permit processing of existing underground injection wells pursuant to the UIC Program.

(q) *Underground Drinking Water Source* means:

(1) An aquifer which currently supplies or has the potential to supply a public water system; or

(2) an aquifer which contains water having less than thousand (10,000) mg/1 total dissolved solids.

(r) *Underground Injection System* means a bored, driven, dug or drilled well, gallery or other systems, and all appurtenances for the purpose of disposing of municipal, industrial and any other wastes including surface water and stormwater through subsurface emplacement of a fluid or fluids.

§9105. Inventory and Assessment of Injection Wells Pursuant to §146.52 of Subpart F of the Federal Rules and Regulations for Underground Injection Wells. (a) The owner or operator of any Class V well shall, within six (6) months of the effective date of an underground injection control program, notify the Administrator of the existence of any well meeting the definitions of Class V under his control, and submit the following information:

(1) Facility name and location;

(2) Name and address of legal contact;

- (3) Ownership of facility;
- (4) The nature and volume of injected fluids;
- (5) Operating status of injection well(s);
- (6) The construction features of the well(s);
- (7) The alternative means of disposal available to the operator; and
- (8) The environmental and economic consequences of well disposal and its alternatives.

(b) Within two (2) years of approval of the state program, the Administrator will make and report to EPA:

- (1) An assessment of the contamination potential of the Class V wells using information supplied by the operator and hydrogeological data available to the State;
- (2) An assessment of the available corrective alternatives where appropriate and their environmental and economic consequences; and
- (3) Recommendations both for the most appropriate regulatory approaches and for remedial actions where appropriate.

§9106. Application for Permit. (a) **Who applies.** Any person who is required to have an U.I.C. permit shall complete, sign and submit an application to the Administrator. When a facility or activity is owned by one (1) person but is operated by another person, it is the operator's's duty to obtain a permit.

(b) **Time to Apply.**

- (1) For existing injection well, as expeditiously as practicable or in accordance with the schedule of permit for the UIC state program.
- (2) For renewal of permit, ninety (90) days before expiration date.
- (3) For new injection well, a reasonable time before construction is expected to begin.

(c) The Administrator shall not issue a permit before receiving a complete application. An application is complete when the Administrator receives an application form with all the information required under (d) of this section plus any supplemental information requested in a notice of deficiency.

(d) Content of Application:

(1) The activities conducted by the applicant which require it to obtain a permit.

(2) Name, mailing address and location of the facility.

(3) Up to four (4) SIC codes which best reflect the principal products or services provided by the facility.

(4) The operator's name, address, telephone no., ownership status and status as federal, state, private, public or other entity.

(5) A listing of all permits or construction approval received or applied for under any other program.

(6) A topographic map of area extending one (1) mile beyond the property boundaries of the source, the facility and its adjuncts, each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies and drinking water wells.

(7) A brief description of the nature of the business.

(8) Analysis of representative sample of fluid injected (microbiological, chemical and radiological).

(9) Depth of well and plan for testing, drilling and construction.

(10) Depth and geological formation of the project site.

(11) Monitoring plans.

(12) List of environmental alternatives considered and reason for not preferring.

(13) Any other information relevant in determining the impact of the activity on the aquifer, such as any drilling log near the site.

(e) Signature. The permit application shall be signed by:

(1) For a corporation: a principal executive officer of at least the level of vice-president;

(2) For a partnership or sole proprietorship: a general partner or the proprietor;

(3) For a municipality, state, federal, or other public agency: either a principal executive officer or ranking elected official.

(f) **Confidential Information.** Any information claimed as confidential by the submitter must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the Agency may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2 (Public Information):

(1) Claims of confidentiality for the following information will be denied:

(A) name and address of applicant or permittee;

(B) Existence, absence or level of contaminants in the water.

§9107. Permit Procedure. (a) The Administrator may not begin the processing of an application for permit until the applicant has fully complied with the application requirements under §9105. An applicant shall be informed within thirty (30) days after receipt whether or not his or her application is complete and what additional information is required.

(b) **Tentative Determination.** Once an application is complete, the Administrator shall prepare a draft permit and a fact sheet and notify the public.

(c) **Draft Permit.** The draft permit shall contain the appropriate conditions and requirements under §9107.

(d) **Fact Sheet.** The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permit. The Administrator shall send the fact sheet to the applicant and, on request, to any other person. The fact sheet shall include, when applicable:

(1) A brief description of the type of facility or activity which is the subject of the draft permit.

(2) The type and quantity of waste, fluids or pollutants, which are proposed to be or are being treated, stored, disposed of, emitted or discharged.

(3) A brief summary of the basis for the draft permit conditions.

(4) Reasons why any requested variances or alternatives to required standards do or do not appear justified.

(5) A description of the procedures for reaching a final decision on the draft permit, including:

(A) The beginning and ending dates of the comment period and address where comments will be received.

(B) Procedures for requesting a hearing and the nature of the hearing.

(C) Name and telephone number of a person to contact for additional information.

(e) Public Notice of Permit Actions and Public Comment Period:

(1) **Scope.** The Administrator shall give public notice that the following actions have occurred:

(A) A permit application has been tentatively denied; or

(B) A draft permit has been prepared; or

(C) A hearing has been scheduled; or

(D) An appeal has been granted.

(2) **Timing.** Public notice of the preparation of a draft permit (including a notice of intent to deny a permit application) shall allow at least thirty (30) days for public comment.

(3) **Methods.** Public notice of activities described under §9107(e) shall be given by the following methods.

(A) By mailing a copy of a notice to the applicant and other appropriate government authorities.

(B) Publication of a notice in a daily or weekly newspaper within the areas affected by the facility.

(C) Any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it, including

press releases or any other forum or medium to elicit public participation.

(4) Contents.

- (A) Copy of the draft permit and fact sheet.
- (B) Name and address G.E.P.A.
- (C) Name and address of the permittee or applicant.
- (D) A brief description of the business conducted at the facility.
- (E) Name and address and telephone number of a person from whom interested person may obtain further information.
- (F) A brief description of the comment procedure.

(f) Public Comments and Requests for Public Hearing. During the public comment period, any interested person may submit written comments on the draft permit and may request a public hearing. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments shall be considered in making the final decision and shall be answered as provided in 40 CFR 124.17:

(1) All persons, including applicants, who believe any condition of a draft permit is inappropriate or that the Administrator's tentative decision to deny an application, terminate a permit is inappropriate, must raise all ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, before the close of the public comment period

(2) Reopening of the Public Comment Period. If any data information or arguments submitted during the public comment period appear to raise substantial new questions concerning a permit, the Administrator may take one (1) or more of the following actions:

- (A) Prepare anew draft permit, appropriately modified.
- (B) Prepare a revised fact sheet and reopen the comment period.

(C) Reopen or extend the comment period to give interested person an opportunity to comment on the information or arguments submitted.

(3) Comments filed during the reopened comment period shall be limited to the substantial new questions that caused its reopening. The public notice shall define the scope of the reopening.

(g) Public Hearing:

(1) Upon receipt of a written request for a public hearing or at his own discretion, the Administrator will fix a time and place for a public hearing, and shall provide notice for such hearing whenever the Administrator determines that a significant degree of public interest in the permit application exists. Any such hearing shall be held no sooner than thirty (30) days after provision of notice. The contents of the public notice shall, at a minimum, include:

(A) Date, time and location of hearing.

(B) A brief description of the nature and purpose of the hearing.

(C) Statement of the issues raised by the person(s) requesting the hearing.

(2) The Administrator shall make available at the hearing, as reasonable, copies of the subject permit application.

(h) Issuance and Effective Date of Permit. After the close of the public comment period, and public hearing if any, the Administrator shall issue a final permit decision. The Administrator shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice shall include reference to the procedure for appealing a decision. For the purposes of this Section, a final permit decision means a final decision to issue, deny, modify, revoke and reissue or terminate a permit:

(1) A final permit decision shall become effective thirty (30) days after the service of notice of the decision, unless:

(A) A later date is specified in the decision;

(B) Review is requested; or

(C) No comments requested a change in the draft permit, in which case the permit shall become effective immediately upon issuance.

(i) Response to Comments:

(1) At the time that any final permit decision is issued, the Administrator shall issue a response to comments. This response shall:

(A) Specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and

(B) Briefly describe and respond to all significant comments on the draft permit raised during the public comment period, or during any hearing.

(2) The response to comments shall be available to the public.

(j) Modification, Revocation and Reissuance, or Termination of Permits:

(1) Permits may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Administrator's initiative. However, permits may only be modified, revoked and reissued, or terminated for the reasons specified in §5108(g). All requests shall be in writing and shall contain facts or reasons supporting the request.

(2) If the Administrator tentatively decides to modify or revoke and reissue a permit incorporating the proposed changes, the Administrator may request additional information and, in the case of a modified permit, may require the submission of an updated permit application. In the case of revoke and reissued permits, the Administrator shall require the submission of a new application.

(3) In a permit modification under this section, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued under this Section, the entire permit is reopened just as if the permit had expired and was being reissued.

(4) If the Administrator tentatively decides to terminate a permit, he or she shall issue a notice of intent to terminate. notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit.

§9108. Permit Conditions and Requirements. the following shall be incorporated by reference or expressly into the permit:

(a) **Duty to Comply.** The permittee must comply with all the terms, conditions and requirements of the permit and these Regulations and the well drilling regulations adopted under 10 GCA §53105 of Guam's Safe Drinking Water Act. Failure to do so shall be sufficient ground for suspension, revocation of termination of the permit issued pursuant to these Regulations.

(b) **Duty to Reapply.** If the permittee wishes to continue and activity regulated by the permit after the expiration date, the permittee must apply for renewal ninety (90) days before the expiration date.

(c) **Duration of Permit.** The permit shall be valid for a period of two (2) years, unless operations are found to endanger the underground source of drinking water. The duration of the permit upon renewal could be for longer periods under the discretion of the Administrator.

(d) **Duty to Halt or Reduce Activity.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

(e) **Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from non-compliance with the permit. The permittee shall provide an approved contingency plan if required by the Administrator, to cope with malfunctions or failure of the injection system and shall notify the Administrator immediately in case of malfunction.

(f) **Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve

compliance with the conditions of the permit. Proper operation and maintenance includes effective performance compliance with injection limitations, adequate funding, adequate security provisions, adequate operator staffing and training and adequate laboratory process controls, including appropriate quality assurance procedures. This provision requires the operation of back up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

(g) Modification, Revocation, Suspension and Termination. Permit may be modified, revoked and reissued or terminated for cause, such as:

(1) Causes for modification only:

(A) There are material and substantial alterations or additions to the permitted facility which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.

(B) New information received by the Administrator that was not available at the time of permit issuance and would have justified the application of different permit conditions at the time of issuance.

(C) New regulations or standards or judicial decision affecting existing conditions of the permit.

(D) The Administrator determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood or material shortage, other events over which the permittee has little or no control and for which there is no reasonably available remedy.

(2) Causes for termination, suspension or revocation:

(A) Non-compliance by the permittee with any condition of the permit;

(B) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or

the permittee's misrepresentation of any relevant facts at any time; or

(C) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit termination.

(h) **Effect of Permit.** The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege and does not authorize any injury to persons or property or invasion of other private rights, or infringement of local law or regulations.

(i) **Duty to Provide Information.** The permittee shall furnish to the Administrator within reasonable time, any information which the Administrator may request to determine whether cause exists for modifying, revoking and reissuing or terminating the permit, or determine compliance with the permit. The permittee shall also furnish to the Administrator, upon request, copies of the records required to be kept by the permit.

(j) **Inspection and Entry.** The permittee shall allow the Administrator, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

(1) Enter upon the permittee's premises where a regulated facility is located or conducted, or where records must be kept under the condition of the permit.

(2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment) practices, or operation regulated or required under the permit; and

(4) Sample or monitor at reasonable times, for purposes of assuring permit compliance or any substance or parameter at any location.

(k) **Monitoring and Records.** Monitoring and Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records. Copies of all reports required by the permit, and records of all data used to complete the application for the permit, for a period of at least five (5) years from the date

of the sample, measurement, report or application. This period may be extended by request of the Administrator at any time:

(1) Records of monitoring information shall include:

(A) The date, exact place and time of sampling or measurements;

(B) The individual(s) who performed the sampling or measurement(s);

(C) The date(s) analyses were performed;

(D) The individual(s) who performed the analyses;

(E) The analytical techniques or methods used; and

(F) The results of such analyses.

(2) Records of maintenance shall include:

(A) Shut down time and contingency measure periods;

(B) Remedial work and maintenance activities

(C) Periodic well tests and the parameters tested.

(3) In any case where the Administrator determines that the operation of existing or proposed underground injection systems may cause quality changes in receiving waters, the operator may be required to monitor the receiving waters at sites designated by the Administrator, and to submit the records of these monitoring activities to the Agency. The Administrator may require the monitoring of receiving water both before and after injection operations have started.

(l) Reporting Requirements.

(1) **Planned Changes.** The permittee shall give advance notice to the Administrator as soon as possible of any planned physical alterations or additions to the permitted facility and shall state its effect especially if it will result in non-compliance with the permit requirements. In addition, a new well may not commence injection until construction is complete:

(A) The permittee has submitted notice of completion of construction to the Administrator; and

(B) The Administrator has inspected or otherwise reviewed the new injection well and finds it is in compliance with the conditions of the permit; or

(C) The permittee has not received notice from the Administrator of his or her intent to inspect or otherwise review the new injection well within thirteen (13) days of the notice in which case prior inspection or review is waived.

(2) **Transfers.** If the current permittee desires to transfer the permit to another, he shall notify the Administrator at least thirty (30) days in advance of the proposed transfer date and include with the notice a written agreement specifying the date for transfer of permit responsibility, coverage and liability between them and a demonstration of the financial responsibility and capability of the new permittee. The permit may have to be modified, revoked and reissued.

(3) **Monitoring Reports.** Monitoring reports shall be reported at the intervals specified in the permit.

(4) **Compliance Schedule.** Report of compliance or non-compliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than fourteen (14) days following each schedule date.

(5) **Twenty-Four (24) Hour Reporting.** The permitted shall report any non-compliance which may endanger health or the U.S.D.W. or cause fluid migration into or between U.S.D.W.S. Any information shall be provided orally within twenty-four (24) hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the non-compliance and its cause, the period of non-compliance, including exact dates and times, and if non-compliance has not been corrected, the anticipated time it is expected to continue; and steps

taken or planned to reduce, eliminate and prevent recurrence of the non-compliance.

(6) **Other Information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Administrator, it shall promptly submit such facts or information.

(7) **Plan to Convert or Abandon Well.** The permittee shall notify the Administrator at least one hundred eighty (180) days before conversion or abandonment of the well. With the notice, the permittee shall submit a revised plugging and abandonment plan subject to approval by the Administrator.

(8) **signatory Requirements for Reports.** All reports required by permits shall be signed by a duly authorized representative of the person under §9106(e). A person is duly authorized representative only if :

(A) The authorization is made in writing by a person described in §9106(e).

(B) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent or position of equivalent responsibility.

(C) The written authorization is submitted to the Administrator.

(9) **Changes to Authorization.** If an authorization is no longer accurate because a different individual or position has responsibility for the overall operations of the facility, a new authorization satisfying the requirements of Subsection (8) of (I) of this Section must be submitted to the Administrator prior to or together with any reports, information or applications to be signed by an authorized representative.

(10) **Certification.** Any person signing a document under §§9108(l)(8) and 9114 shall make the following certifications:

"I certify under penalty of law that I have personally examined and am familiar with the

information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

§9109. Same: Financial Responsibility. The permittee shall demonstrate a financial guarantee in the form of performance bonds or other equivalent form to assure proper closure, plugging or abandonment of the well.

§9110. Same: Additional Conditions. he Administrator shall impose on a case-by-case basis such additional conditions as are necessary to prevent migration of fluids into underground sources of drinking water.

§9111. Same: Area Permit. (a) The Administrator may issue a permit on an area basis, rather than for each well individually, provided that the permit is for injection wells:

- (1) Described and identified by location in permit application(s), if they are existing wells;
- (2) Within the same well field, facility site, reservoir, project or similar unit in the same state;
- (3) Of similar construction;
- (4) Of the same class and permit terms and conditions; and
- (5) Operated by a single owner or operator.

(b) Area permits shall specify:

- (1) The area within which underground injections are authorized; and
- (2) The requirements for construction, monitoring, reporting, operation and abandonment, for all wells authorized by the permit.

(c) The Area Permit may authorize the permittee to construct and operate new injection wells within the permit area provided:

- (1) The permittee notifies the Administrator no later than the date on which monitoring reports are required to be submitted under §9108(1)(3), pursuant to a procedure which shall be specified in the permit, when and where the new well will be drilled;

(2) The additional well satisfies the criteria in §9112(a) and meets the requirements specified in the permit under §9112(b); and

(3) The cumulative effects of drilling and operation of additional injection wells are considered by the Administrator during evaluation of the area permit application and are acceptable to the Administrator.

(d) If the Administrator determines that any well constructed pursuant to §9108(c) does not satisfy any of the requirements of §9112(c)(1) and (c)(2), the Administrator may modify, terminate or take enforcement action. If the Administrator determines the cumulative effects are unacceptable, the permit may be modified.

§9112. Same Compliance Evaluation. Same: Compliance Evaluation. Compliance with the conditions and requirements of the permit shall be based from the following:

(a) Periodic inspection by the Administrator or his representative.

(b) Reports by the permittee.

(c) Written reports by any person supported by valid evidence and subject to verification by the Administrator or his representative.

§9113. Prohibition. (a) All classes of underground injection wells are prohibited, except Class V wells.

(b) No Class V injection well shall be constructed and operated unless authorized by permit.

(c) No Class V injection well shall be allowed to cause migration of injected fluid or displace other fluids into the underground sources of drinking water or cause endangerment of underground sources of drinking water which will:

(1) Make it necessary for a public water system to begin treatment or increase treatment of the water;

(2) Make it necessary for a public water system which will use the source in the future to use more extensive treatment of the water than would otherwise have been necessary; or

(3) Otherwise adversely affect the health of persons such as adding a substance that would make water from the source unfit for human consumption.

§9114. Penalties and Appeals. (a) Any person who violates any of the provisions of these Regulations shall be penalized pursuant to 10 GCA §53105 of the Guam Safe Drinking Water Act.

(b) Any order or decision of the Administrator pursuant to these Regulations shall become final, unless a hearing is requested within thirty (30) days after the notice of the final decision before the Board. The Board shall have the power to review and to affirm, modify or reverse any order or decision of the Administrator. Such appeal shall be made pursuant to the provisions of the Administrative Adjudication Law, 5 GCA Chapter 9.

(c) Any order or decision of the Board pursuant to these Regulations shall be subject to an appeal therefrom to the Superior Court of Guam. Such appeal shall be made pursuant to the provision of the Administrative Adjudication Law, 5 GCA Chapter 9.

§9115. Severability. If any provision of these Regulations, or its application to any person or circumstances, is held invalid, the application of such provision to other persons or circumstances, and the remainder of these Regulations, shall not be affected thereby.