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**Low-Level Radioactive Waste Management
Facility Siting Regulations**

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Low-Level Radioactive Waste Management Facility Siting Regulations

Sec. 22a-163t (e)-1. Pre-site selection property appraisal

(a) **Appraisal.** When an application is filed with the council, the applicant shall, by certified mail, notify each property owner within a two-mile radius of the proposed facility of the pre-site selection property appraisal of fair market value of the property, determined pursuant to Section 22a-163t (e) (4) of the Connecticut General Statutes.

(b) **Negotiation.** If the pre-site selection property appraisal is disputed by the property owner, the property owner may negotiate directly with the applicant, operator, or certificate holder for a change. If not disputed within 60 days, the appraisal shall be deemed a fair and accurate appraisal.

(c) **Submittal to Council.** Within six months after applying for a certificate from the council, the applicant shall submit to the Council all pre-site selection property appraisals of fair market value and property value disputes that have not been resolved.

(d) **Disputes.** When making a decision on the application for a certificate, the council shall be the final arbitrator of all property appraisal disputes and issue final pre-site selection property appraisals of fair market values for all properties within a two-mile radius of the facility.

(e) **Decision.** The council shall base its decision on:

- (1) The appraisals arranged by the applicant;
- (2) The claims and contentions of the property owners;
- (3) Any appraisals provided by the property owners;
- (4) The municipal property assessments; and
- (5) If necessary, a professional appraisal of every disputed property, arranged by the council and paid for by the applicant.

(Effective March 7, 1989)

Sec. 22a-163t (e)-2. Good faith effort to obtain fair price

(a) **Good Faith Effort.** For the purposes of Section 22a-163t (e) (4) of the Connecticut General Statutes, if any owner of property within a two-mile radius of the facility offers to sell property after the selection of the site, but before five years after the facility begins operation, a good faith effort to sell shall be the listing of the property by a multiple listing real estate agency for a period of 90 or more days with at least 12 daily advertisements in a newspaper having a general circulation in the municipality at a price at least equal to the pre-site selection property appraisal made pursuant to Section 22a-163t (e)-1 (a) of these regulations, provided no offer is accepted which is less than the pre-site selection property appraisal made pursuant to Section 22a-163t (e)-1 (a) of these regulations. If the property is not sold after the listing period of 90 days, all offers shall be disclosed to the applicant, certificate holder, or operator of the facility. Thirty days after such disclosure, or, if the good faith of the effort is disputed, 30 days after the council rules a good faith effort has been made, the owner may accept the highest reasonable offer made by any person, including the applicant, certificate holder, or operator of the facility. If the owner chooses to sell the property for less than the highest bid, for the purpose of Section 22a-163t (e) (4) of the Connecticut General Statutes, the difference paid to the owner shall be that between the pre-site selection property appraisal and the highest bid received excluding a bid from the applicant, certificate holder, or operator of the facility.

(b) **Disputes.** Any dispute over a good faith effort to obtain a fair price for a property shall be resolved by the council.

(c) **Decision.** The council shall, within 60 days after being presented with a dispute regarding a good faith effort to obtain a fair market price for a property, make a determination whether or not the owner has made a good faith effort. In resolving such a dispute, the council shall consider:

(1) The pre-site selection property appraisal of fair market value of the property as determined pursuant to Section 22a-163t (e)-1 (a) of these regulations;

(2) The price at which the property is being offered;

(3) Action and efforts to obtain a fair price for the property including use of real estate agents and newspaper advertisements; and

(4) The length of time the property has been made available for sale.

(Effective March 7, 1989)

Sec. 22a-163t (e)-3. Expenses for property value determinations

(a) **Filing Fee.** When submitting to the council for determination any disputed appraisal or challenge of an effort to sell property, the applicant, the certificate holder, or the operator of the facility shall submit a filing fee equal to one percent of the total appraised property value, or \$2,500, whichever is less. At any time the council may assess the applicant, the certificate holder, or the operator of the facility for additional payment to carry out the provisions of these regulations.

(b) **Expenses.** Within 180 days after rendering a final decision, the council shall issue a final bill to the certificate holder, the applicant, or the operator of the facility necessary to meet the expenses of the council and administer the provisions of these regulations or refund fees and payments made in excess of actual council expenses.

(Effective March 7, 1989)