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Ordinance Establishing Moratoria on New Sewer Connections Over Certain Limits and on Applications for Allocation of Wastewater Treatment Capacity

(New Section) § 53.007 – Moratoria

A. Intent And Purpose

Pursuant to Connecticut General Statutes §§ 7-246a and 7-247, and Chapter 50 of the East Lyme Code of Ordinances, the Commission is the designated Water Pollution Control Authority for the Town of East Lyme and is charged with the supervision, management, control, operation, care, and maintenance of the East Lyme Sewer Works. Pursuant to these responsibilities the Commission monitors the Town's Sewer Works' consumption of the wastewater treatment capacity available to the Town's Sewer Works to ensure that the Sewer Works do not exceed available wastewater treatment capacity allocated to the Town via contractual obligations with the City of New London, Town of Waterford, and the State of Connecticut, and to ensure that the public health, safety and welfare are not endangered by exceeding that wastewater treatment capacity allocated to the Town. By a resolution adopted by the Commission on June 24, 2025, the Commission has notified the Board of Selectmen that the Sewer Works have consumed all of or exceeded the wastewater treatment capacity available to the Sewer Works and that it is necessary for East Lyme to adopt a temporary moratorium on new sewer connections over certain limits and a moratorium on applications for wastewater treatment capacity allocation until such time as East Lyme is able to obtain more wastewater treatment capacity from the Thomas E. Piacentini Wastewater Treatment Plant in New London or another wastewater treatment facility identified by the Commission.

B. Effective Date and Limited Duration.

Pursuant to Section 3.4.3 of the Charter of the Town of East Lyme, this moratorium shall become effective 10 days after notice of its enactment is published. The duration of this moratorium shall be temporary, and the Board of Selectmen shall be required to repeal this moratorium upon receiving notice from the Commission that there is sufficient capacity now available to the Town's Sewer Works to resume initiating new sewer connections and accepting applications for allocation of wastewater treatment capacity.

C. Moratorium on New Sewer Connections.

During the limited duration of the moratorium specified in Section 53.007.B. of the East Lyme Code of Ordinances, there is a moratorium imposed on new sewer connections as may be required by Sections 53.042 and 53.043 of the East Lyme Code of Ordinances.

D. Moratorium on Applications for Allocation of Wastewater Treatment Capacity.

During the limited duration of the moratorium specified in Section 53.007.B. of the East Lyme Code of Ordinances, there is a moratorium on applications for allocation of wastewater treatment capacity pursuant to the Commission's 2019 regulation regarding allocation of wastewater treatment capacity as said regulation may be amended from time to time.

E. Exclusions.

To avoid the revocation or loss of vested rights, the moratoria imposed by Sections 53.007.C. and 53.007.D of the East Lyme Code of Ordinances shall not apply to: (1) Previously approved connection permits; (2) Existing properties within the East Lyme Sewer Service District which have been the subject of a sewer benefit assessment and where the wastewater treatment capacity requirement of the property are such that it would not be required to apply for an allocation of wastewater treatment capacity pursuant to the Commission's 2019 regulation regarding allocation of wastewater treatment capacity as said regulation may be amended from time to time; and (3) Development projects with previously approved wastewater treatment capacity allocations as of the effective date of this section and wastewater treatment capacity allocation applications filed with the Commission prior to the effective date of this section, provided that upon the expiration of an allocation of wastewater treatment capacity pursuant to Section II of the Commission's 2019 capacity allocation regulation said development project will no longer be entitled to the benefit of this exclusion from applicability of the moratorium.

F. Variances.

The Commission is authorized to vary the applicability of the moratoriums imposed by this section in the limited circumstances of emergencies that the Commission determines to threaten the public health, safety, and welfare, and in limited circumstances where the Commission determines that a private sewerage treatment system is failing and a new sewer connection is determined by the Commission to be the most efficient method for protecting the public health, safety, and welfare.