



**Meeting Minutes**  
**Middletown Township Environmental Advisory Council**  
**June 26, 2024**

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The meeting started at 5:30 PM

**Roll Call & Introduction of Visitors**

Members in attendance are indicated below in **Bold**.

**Visitors:**

None

**Review and Approval of Previous Meeting Minutes**

Minutes approved unanimously.

**Public Comments**

No comments.

**Committee Reports:**

Note: committee reports were abbreviated in order to concentrate on the topics of the Plastics Ordinance review.

**Building and Subdivision Review**

**Peter Tantala**

Peter presented the following plans:

1. *Old Eisenhower School – Woodbourne Rd.*

This is a re-submittal providing clarifications. No changes in environmental conditions/impacts were noted. Action taken – reiterate previous EAC review comments.



## **2. Big Oak Rd – J.M. Pereira & Sons Concrete Facility Expansion**

This is a re-submittal providing clarifications and re-definition of site wetlands. No design changes impacting environmental conditions were noted - previous EAC review comments are considered applicable. Action taken – reiterate previous EAC review comments.

### **Community Garden:**

#### **Gerry Bender:**

No new conditions to note.

### **Tree Planting**

#### **John Lopuszanski:**

Trees will be ordered for the Fall (November) planting. John is looking into a 12volt pumping that can be used to facilitate tree watering.

### **Beautification Committee:**

#### **Lauren Lareau:**

No new conditions to note.

### **Climate Action Plan:**

#### **Kevin Deeny:**

Activity has centered around the Plastics Ordinance development, to be addressed below.

### **Township Information**

None presented.

### **Old Business:**

#### **Speaker Series:**

The Fall series are scheduled for 9/17 (Composting) and 10/15 (Bucks County Sustainability).

#### **Single Use Plastics Ordinance Review:**

A matrix summarizing the parameters of 28 existing municipal ordinances was reviewed to provide a basis for development of a DRAFT ordinance for Middletown consideration. Action Taken: Kevin to draft the ordinance from available model sources and distribute for review. (Draft attached).



**New Business:**

Educational content development for insertion into the township guide is ongoing by Neshaminy students.

The regional EAC meeting is scheduled for October 5 at the Temple Ambler Campus. Those considering attending should notify township.

**Upcoming Events:**

EVENT	DATE	TIME	
Environmentally Speaking Series	September 17, 2024	6:30 PM	Composting
	October 15, 2024	4:30 PM	Bucks Co. Sustainability
Trash Pickup	September, 21	9:30-11:30	
Tree Planting	November - TBD	TBD	
Garden clean-up	October, 26	9:30-11:30	
Holiday Open House	December, 2023	5:30-8:30	

**Motion for Adjournment:**

The meeting was adjourned at 6:58 PM

**Next Meeting:** Unless otherwise noted, all EAC meetings are held the 4<sup>th</sup> Wednesday of every month, at the Middletown Township Building at 5:30.

Our next scheduled meeting will be on September 25, 2024, 5:30 PM.

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Middletown Township EAC Members

Chairperson: **Lauren Lareau**, Vice Chairperson Andy McAloon, Secretary: Donna Fiedler, Members: **Peter Tantala, John Lopuszanski, Gerry Bender, Kevin Deeny**, Township Liaisons: Paul Kopera, Patrick Graham.



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**WHEREAS**, this Ordinance is enacted to achieve the Township’s duties under the Amendment by minimizing the degradation, diminution and depletion of the public natural resources and to affirmatively enact legislation designed to protect the environment; and

**WHEREAS**, for the reasons set forth in more detail below, the Board intends to preserve, maintain, and enhance the health of its residents and visitors, as well as the public natural resources and common property within the Township, by regulating the distribution of single-use plastic bags, expanded polystyrene food service products, and single-use plastic utensils within the Township; and

**WHEREAS**, the Board, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety and general welfare of the residents of [Middletown Township will be served by this amendment of the Township’s Code of Ordinances to Regulate the distribution of single-use plastic bags, expanded polystyrene food service products, and single-use plastic utensils within the Township.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Supervisors of Middletown Township, Bucks County, Pennsylvania, and it is hereby enacted and ordained by the authority of same, as follows:

1 **CHAPTER [code to be inserted or amended]. PROHIBITION ON USE OF CERTAIN SINGLE-USE PLASTICS**

2 **PRODUCTS BY RETAIL ESTABLISHMENTS.**

3 **§[section number]. Purpose and Findings.**

4 **A. Purpose**

5 **a.** The purpose of this Chapter is to reduce the use of single-use plastic bags, expanded polystyrene food  
6 service products, and single-use plastic utensils by retail establishments within the Township.

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8 **b.** To curb litter on the streets, in the parks, and in the trees, protect the local streams, rivers, waterways  
9 and other aquatic environments, reduce greenhouse gas emissions, reduce solid waste generation,  
10 promote the use of reusable, compostable, and recyclable materials within the Township, and to  
11 preserve the natural, scenic, historic, and esthetic values of the Township.

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13 **c.** To relieve the pressure for landfills to manage the disposition of single-use products.

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15 **B. Findings.**

16 **a.** The use of single-use plastic bags, expanded polystyrene food service products, and single-use plastic  
17 utensils have severe environmental impacts, including greenhouse gas emissions, litter, harm to wildlife,  
18 ground level ozone formation, atmospheric acidification, water consumption, and solid waste  
19 generation.

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1 **b.** There are several commercial establishments within the township which provide single-use plastic  
2 bags, expanded polystyrene food service products, and single-use plastic utensils to their customers.

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4 **c.** The majority of such single-use plastic bags, expanded polystyrene food service products, and single-  
5 use plastic utensils are made from plastic or other material that does not readily decompose.

6 **d.** United States consumers discard approximately one hundred billion single-use plastic bags each year.  
7 Given the difficulty of recycling these materials, less than 1 percent of single-use plastic bags are  
8 returned for recycling in the United State, and in the [Municipality], such bags are not curbside  
9 recyclable.

10  
11 **e.** United States consumers discard approximately five hundred million single-use plastic straws every  
12 day. In Middletown Township, such straws are not readily recyclable.

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14 **f.** Numerous studies have documented the prevalence of single-use plastic bags, expanded polystyrene  
15 food service products, and/or plastic straws littering the environment, blocking storm drains, entering  
16 local waterways, and becoming stuck in or upon natural resources and public property.

17 **g.** The use and discard of single use plastics contributes to the prevalence of micro-plastics in the  
18 environment and in the human body.

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1 **h.** The taxpayers of the Middletown Township pay the costs related to the cleanup of single-use plastic  
2 bags, expanded polystyrene food service products, and single-use plastic utensils from the roadways,  
3 trees, sewers, waters, and parks within the township.

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5 **i.** From an overall environmental and economic perspective, the best alternative to single-use plastic  
6 bags is a shift to reusable, compostable, or recyclable paper bags, and the best alternative to single-use  
7 plastic utensils are reusable utensils, recyclable paper utensils, or utensils made from other natural  
8 products, if a utensil is required.

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10 **j.** There are several alternatives to single-use plastic bags, expanded polystyrene food service products,  
11 and single-use plastic utensils readily available in and around the Township.

12 **k.** An important goal of the township is to procure and use sustainable products and services.

13 **l.** An important goal of the township is to preserve the natural, scenic, historic, and esthetic values of the  
14 township.

15 **m.** It is the township's desire to conserve resources, reduce the amount of greenhouse gas emissions,  
16 waste, litter, water pollution, and to protect the public health and welfare, including wildlife, all of which  
17 increases the quality of life for the township's residents and visitors.

18 **n.** Studies have documented that placing a mandatory charge on single-use plastic bags, banning  
19 expanded polystyrene food service products, and not providing single-use plastic utensils will  
20 dramatically reduce the use of such items.



1 o. As required by the Environmental Rights Amendment to the Pennsylvania Constitution, the township  
2 seeks to preserve the natural, scenic, historic, and esthetic values of the township.

3 p. It is the Board of Supervisor's desire to conserve resources, reduce the amount of greenhouse gas  
4 emissions, waste, litter, water pollution, and to protect the public health and welfare, including wildlife,  
5 all of which increases the quality of life for the township's residents and visitors.

6  
7 §[section number]. **Definitions.**

8 (1) "Customer" means any person purchasing goods or services from a Retail Establishment.

9 (2) "Effective Date" means the effective date of the ordinance that added this Chapter to **Middletown**  
10 **Township's Municipal code**.

11 (3) "Exempted Bag":

12 (a) shall include:

13 (i) a bag used to package bulk items such as fruit, vegetables, nuts, grains, or candy;

14 (ii) a bag used to contain or wrap meats or fish; to contain unwrapped prepared foods or bakery goods;

15 (iii) a bag used solely to contain live animals, such as fish or insects sold in a pet store;

16 (iv) a bag sold in packaging containing multiple bags and packaged at the time of manufacture of the  
17 bag.

18 (v) a bag used to contain retail chemical products.

1 (4) "Expanded Polystyrene" means blown polystyrene and expanded and extruded foams that are  
2 thermoplastic petrochemical materials utilizing a styrene monomer and processed by multiple  
3 techniques, including: fusion of polymer spheres, known as expandable bead 20 polystyrene; injection  
4 molding; foam molding; and extrusion-blow molding, also known as extruded foam polystyrene.

5 (5) "Expanded Polystyrene Food Service Product":

6 (a) means a product made of expanded polystyrene that is used for selling, providing, or transporting  
7 food or beverages

8 (b) shall include:

9 (i) food containers;

10 (ii) plates;

11 (iii) hot and cold beverage cups;

12 (iv) trays; and

13 (v) clamshells.

14 (c) shall not include:

15 (i) food or beverages that have been packaged in expanded polystyrene outside the township before  
16 receipt by a food service establishment or store;

17 (ii) a product made of expanded polystyrene that is used to package raw, uncooked, or butchered meat,  
18 fish, poultry, or seafood; or

19 (iii) non-foam polystyrene food service products.

1 (6) "Plastic" means a synthetic material made from linking monomers through a chemical reaction to  
2 create a polymer chain that can be molded or extruded at high heat into various solid forms that retain  
3 their defined shapes during their life cycle and after disposal, including material derived from either  
4 petrochemicals or a biologically based polymer, such as corn or other plant sources.

5 (7) "Recycled Paper Bag" means a paper bag that meets the following, but not including an Exempted  
6 Bag:

7 (a) contains no old growth fiber;

8 (b) contains a minimum of 40% post-consumer recycled content; and

9 (c) is labeled in a highly visible manner with the name of the manufacturer and the percentage of post-  
10 consumer recycled content of the bag in an easy-to-read font size.

11 (8) "Retail Establishment" means a location where food or other products are offered to the public for  
12 direct sale or delivery to a customer, including but not limited to the following: supermarket,  
13 convenience store, service station, delicatessen, department store, dollar store, clothing store,  
14 restaurant, pharmacy, food truck, farmers' market or delivery service.

15 (9) "Reusable Bag" means a carryout bag that is designed and manufactured for multiple uses and is:

16 (a) made of cloth or other machine-washable fabric that has stitched handles; or

17 (b) a polypropylene bag that has stitched handles.

18 (10) "Single-use Plastic Bag" means a bag made through a blown-film extrusion process, but not  
19 including an Exempted Bag.

20 (11) "Single-Use Plastic Utensil":

1 (a) means any item used or provided by a Retail Establishment to serve, consume, or manipulate food or  
2 beverages that is primarily made from Plastic.

3 (b) includes but is not limited to straws, forks, spoons, sporks, knives, chopsticks, drink stirrers, beverage  
4 spill plugs, toothpicks, novelty cocktail accessories, and other drink or food accoutrements.

5 (c) shall not include Utensils provided under the following circumstances:

6 (i.) When packaged with beverages prepared and packaged outside of the township, provided such  
7 beverages are not altered, packaged or repackaged within the township; and

8 (ii.) When provided as an assistance device to reasonably accommodate a disability.

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10 **§[section number]. Single-use Plastic Bags.**

11 (1) Beginning 180 days after the Effective Date, Retail Establishments are prohibited from providing a  
12 Single-use Plastic Bag to a customer at the retail establishment or through a delivery.

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14 **§[section number]. Single-use Paper Bags.**

15 (1) Beginning 180 days after the Effective Date, Retail Establishments are prohibited from providing a  
16 non-Recycled Paper Bag to a customer at the retail establishment or through a delivery.

17 (2) A retail establishment may provide a consumer a Recycled Paper Bag at the point of sale if the bag is  
18 provided to the consumer for a charge of not less than \$0.15 per bag.

19 (3). The charge may be waived for a customer receiving benefits through the SNAP, WIC, and TANF  
20 programs.

1 (4) All monies collected by a retail establishment under this section for provision of a Recycled Paper Bag  
2 shall be retained by the retail establishment.

3 (5) Any charge for a Recycled Paper Bag shall be separately stated on any receipt provided to the  
4 customer at the time of sale and shall be identified as the "Carry-Out Bag Charge" thereon.

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6 **§[section number]. Reusable Bags.**

7 (1) A retail establishment may provide a consumer a Reusable Bag at the point of sale if the bag is  
8 provided to the consumer for a charge of not less than \$0.15 per bag.

9 (2) All monies collected by a retail establishment under this section for provision of a Reusable Bag shall  
10 be retained by the retail establishment.

11 (3) Any charge for a Reusable Bag shall be separately stated on a receipt provided to the customer at the  
12 time of sale and shall be identified as the "Carry-Out Bag Charge" thereon.

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14 **§[section number]. Signage Requirement.**

15 (1) Beginning 30 days after the effective date, and for six months thereafter, Retail Establishments are  
16 required to post at all points of sale conspicuous signage: informing customers that Single-use Plastic  
17 Bags and non-Recycled Paper Bags will no longer be provided by the establishment as of the date the  
18 prohibition begins; explaining what types of bags and purchases are impacted; and providing any other  
19 information the township may require by regulation.

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1 **§[section number]. Expanded Polystyrene Food Service Product.**

2 (1) Beginning 180 days after the Effective Date, Retail Establishments are prohibited from providing an  
3 Expanded Polystyrene Food Service Product to a customer at the retail establishment or through a  
4 delivery.

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6 **§[section number] Single-Use Plastic Utensils**

7 (1) Beginning 180 days after the Effective Date, Retail Establishments are prohibited from providing  
8 Single-Use Plastic Utensils, except upon request of the Customer.

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10 **§[section number]. Enforcement.**

11 (1) A person, store, or food service establishment that violates the requirements of this subchapter shall:

- 12 (a) be subject to a civil penalty of \$50.00 for a first offense;  
13 (b) be subject to a civil penalty of \$200.00 for a second offense; and  
14 (c) be subject to a civil penalty of \$500.00 for a third; and  
15 (d) be subject to a civil penalty of \$1,000 for any subsequent offense.

16 (2) For the purposes of enforcement under this subchapter, an offense shall be each day a person, store,  
17 or food service establishment is violating a requirement of this subchapter

18 (3) In addition to the penalties set forth in this Chapter, the township may seek legal, injunctive, or other  
19 equitable relief to enforce this Chapter.

1 (4) The failure of the township to enforce any provision of this Ordinance shall not constitute a waiver by  
2 the township of its rights to future enforcement hereunder.

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4 §[section number]. **Effective Date**

5 (1) This ordinance shall take effect [effective date or timeline]

DRAFT