

**[J-34A-2016 and J-34B-2016] [MO:Todd]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

ROBINSON TOWNSHIP, WASHINGTON : No. 104 MAP 2014
COUNTY, PENNSYLVANIA, BRIAN :
COPPOLA, INDIVIDUALLY AND IN HIS : Appeal from the Order of the
OFFICIAL CAPACITY AS SUPERVISOR : Commonwealth Court at Docket No.
OF ROBINSON TOWNSHIP, TOWNSHIP : 284 MD 2012, dated July 17, 2014.
OF NOCKAMIXON, BUCKS COUNTY, :
PENNSYLVANIA, TOWNSHIP OF : ARGUED: March 9, 2016
SOUTH FAYETTE, ALLEGHENY :
COUNTY, PENNSYLVANIA, PETERS :
TOWNSHIP, WASHINGTON COUNTY, :
PENNSYLVANIA, DAVID M. BALL, :
INDIVIDUALLY AND IN HIS OFFICIAL :
CAPACITY AS COUNCILMAN OF :
PETERS TOWNSHIP, TOWNSHIP OF :
CECIL, WASHINGTON COUNTY, :
PENNSYLVANIA, MOUNT PLEASANT :
TOWNSHIP, WASHINGTON COUNTY, :
PENNSYLVANIA, BOROUGH OF :
YARDLEY, BUCKS COUNTY, :
PENNSYLVANIA, DELAWARE :
RIVERKEEPER NETWORK, MAYA VAN :
ROSSUM, THE DELAWARE :
RIVERKEEPER, MEHERNOSH KHAN, :
M.D. :

v.

COMMONWEALTH OF PENNSYLVANIA, :
PENNSYLVANIA PUBLIC UTILITY :
COMMISSION, GLADYS M. BROWN, IN :
HER OFFICIAL CAPACITY AS :
CHAIRMAN OF THE PUBLIC UTILITY :
COMMISSION, OFFICE OF THE :
ATTORNEY GENERAL OF :
PENNSYLVANIA, KATHLEEN KANE, IN :
HER OFFICIAL CAPACITY AS :
ATTORNEY GENERAL OF THE :
COMMONWEALTH OF PENNSYLVANIA, :
PENNSYLVANIA DEPARTMENT OF :

ENVIRONMENTAL PROTECTION AND :
JOHN H. QUIGLEY, IN HIS OFFICIAL :
CAPACITY AS SECRETARY OF THE :
DEPARTMENT OF ENVIRONMENTAL :
PROTECTION :

APPEAL OF: COMMONWEALTH OF :
PENNSYLVANIA, PENNSYLVANIA :
PUBLIC UTILITY COMMISSION, :
ROBERT F. POWELSON, IN HIS :
OFFICIAL CAPACITY AS CHAIRMAN OF :
THE PUBLIC UTILITY COMMISSION :

ROBINSON TOWNSHIP, WASHINGTON : No. 105 MAP 2014
COUNTY, PENNSYLVANIA, BRIAN :
COPPOLA, INDIVIDUALLY AND IN HIS : Appeal from the Order of the
OFFICIAL CAPACITY AS SUPERVISOR : Commonwealth Court at Docket No.
OF ROBINSON TOWNSHIP, TOWNSHIP : 284 MD 2012, dated July 17, 2014.
OF NOCKAMIXON, BUCKS COUNTY, :
PENNSYLVANIA, TOWNSHIP OF :

SOUTH FAYETTE, ALLEGHENY : ARGUED: March 9, 2016
COUNTY, PENNSYLVANIA, PETERS :
TOWNSHIP, WASHINGTON COUNTY, :
PENNSYLVANIA, DAVID M. BALL, :
INDIVIDUALLY AND IN HIS OFFICIAL :
CAPACITY AS COUNCILMAN OF :
PETERS TOWNSHIP, TOWNSHIP OF :
CECIL, WASHINGTON COUNTY, :
PENNSYLVANIA, MOUNT PLEASANT :
TOWNSHIP, WASHINGTON COUNTY, :
PENNSYLVANIA, BOROUGH OF :
YARDLEY, BUCKS COUNTY, :
PENNSYLVANIA, DELAWARE :
RIVERKEEPER NETWORK, MAYA VAN :
ROSSUM, THE DELAWARE :
RIVERKEEPER, MEHERNOSH KHAN, :
M.D. :

v. :

COMMONWEALTH OF PENNSYLVANIA, :
PENNSYLVANIA PUBLIC UTILITY :
COMMISSION, GLADYS M. BROWN, IN :

HER OFFICIAL CAPACITY AS :
CHAIRMAN OF THE PUBLIC UTILITY :
COMMISSION, OFFICE OF THE :
ATTORNEY GENERAL OF :
PENNSYLVANIA, KATHLEEN KANE, IN :
HER OFFICIAL CAPACITY AS :
ATTORNEY GENERAL OF THE :
COMMONWEALTH OF PENNSYLVANIA, :
PENNSYLVANIA DEPARTMENT OF :
ENVIRONMENTAL PROTECTION AND :
JOHN H. QUIGLEY, IN HIS OFFICIAL :
CAPACITY AS SECRETARY OF THE :
DEPARTMENT OF ENVIRONMENTAL :
PROTECTION :

CROSS APPEAL OF: WASHINGTON :
COUNTY, PENNSYLVANIA, BRIAN :
COPPOLA, INDIVIDUALLY AND IN HIS :
OFFICIAL CAPACITY AS SUPERVISOR :
OF ROBINSON TOWNSHIP, TOWNSHIP :
OF NOCKAMIXON, BUCKS COUNTY, :
PENNSYLVANIA, TOWNSHIP OF :
SOUTH FAYETTE, ALLEGHENY :
COUNTY, PENNSYLVANIA, PETERS :
TOWNSHIP, WASHINGTON COUNTY, :
PENNSYLVANIA, DAVID M. BALL, :
INDIVIDUALLY AND IN HIS OFFICIAL :
CAPACITY AS COUNCILMAN OF :
PETERS TOWNSHIP, TOWNSHIP OF :
CECIL, WASHINGTON COUNTY, :
PENNSYLVANIA, MOUNT PLEASANT :
TOWNSHIP, WASHINGTON COUNTY, :
PENNSYLVANIA, BOROUGH OF :
YARDLEY, BUCKS COUNTY, :
PENNSYLVANIA, DELAWARE :
RIVERKEEPER NETWORK, MAYA VAN :
ROSSUM, THE DELAWARE :
RIVERKEEPER, MEHERNOSH KHAN, :
M.D. :

CONCURRING AND DISSENTING OPINION

JUSTICE BAER

DECIDED: September 28, 2016

I join the third paragraph of Chief Justice Saylor's concurring and dissenting opinion, concluding that Section 3218.1 of Act 13, 58 Pa.C.S. § 3218.1 (requiring the Department of Environmental Protection to notify any public drinking water facility of a spill), does not constitute a special law in violation of Article III, Section 32 of the Pennsylvania Constitution.

In all other respects, I concur in the result of the Majority Opinion.