

**[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  
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.

v.

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

No. 105 MAP 2014  
Appeal from the Order of the  
Commonwealth Court at Docket No.  
284 MD 2012, dated July 17, 2014.  
ARGUED: March 9, 2016

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.