



# **South Carolina Bar**

Continuing Legal Education Division

## **2026 SC BAR CONVENTION**

### **Environmental & Natural Resources Law Section**

“Environmental and Natural Resources  
Law Update”

**Friday, January 23**

*SC Supreme Court Commission on CLE Course No. 260134*

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## The Trump Administration's Impact on Environmental Law

*Michael Traynham*



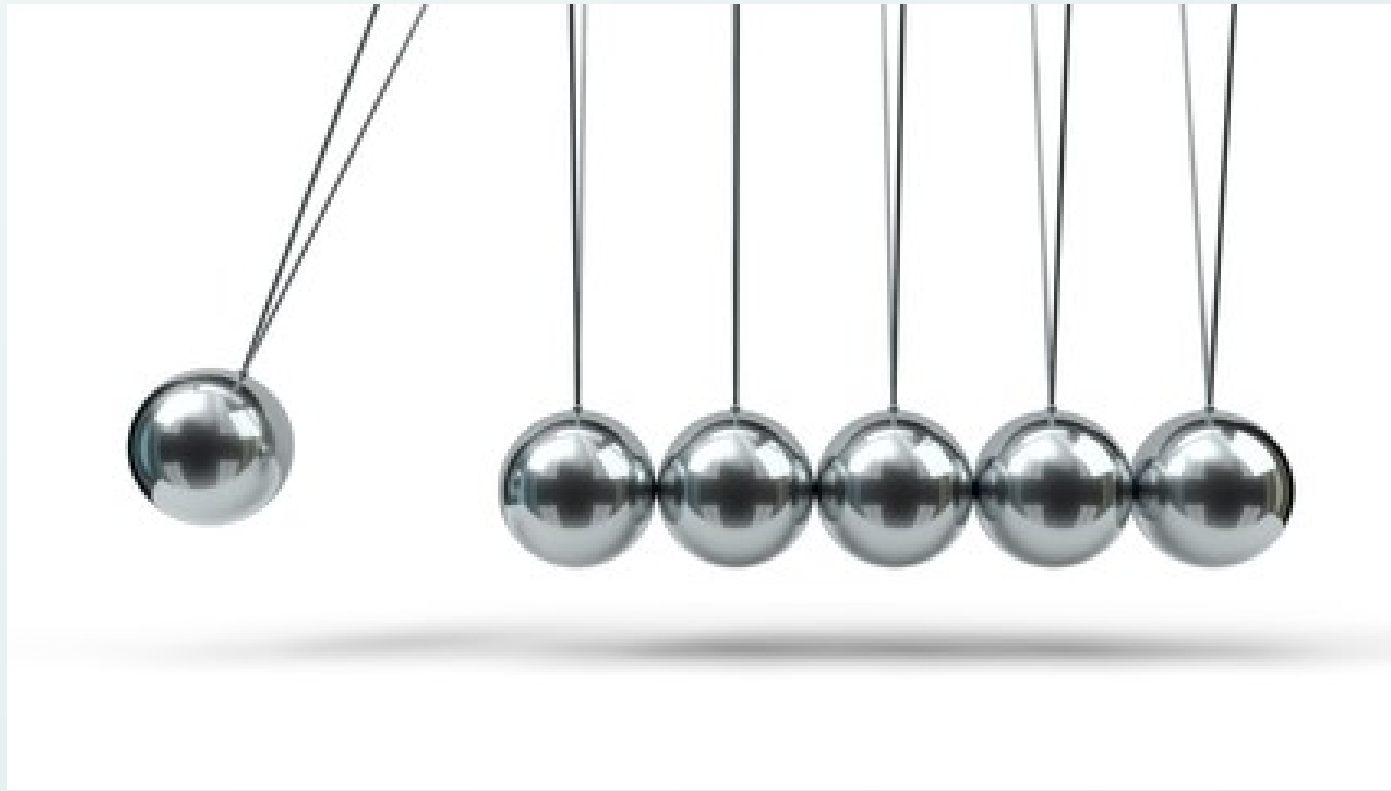
# New Administration, New Environmental Landscape

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Michael Traynham

SC Bar Convention 2026

# First – We Need a New Analogy



# Priorities and Focus

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## Overview of Trump's Second Term Environmental Agenda

- Emphasis on Energy Dominance and Deregulation
- Continued Prioritization of Economic Interests
- Reduction of Perceived Barriers to Growth

# Executive Orders and Actions

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- DOGE

- Other Notable Executive Orders

  - *“Putting America First in International Environmental Agreements”*

  - *“Unleashing American Energy”*

- Reversal of Climate Focused Orders from Previous Administrations

- NEPA

# Environmental Agencies Under Trump II

## Impact on EPA and Other Federal Agencies

- The “Five Pillars”
- Deregulatory Actions
- Smaller Government?



# Legislative Actions and Gridlocks

## Congressional Role in Environmental Change

- The One Big Beautiful Bill Act
- Energy Freedom Act
- Proposed Legislation

# Judicial Landscape

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- Supreme Court Decisions Curbing Agency Power

- *Seven County*

- *City and County of San Francisco*

- DOJ Actions

# Thank You

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Energy Law and Utilities— Recent Changes and  
Additions to State Law

*Nathan Harber*

No Materials Available



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PFAS

*Lesley Firestone*

No Materials Available



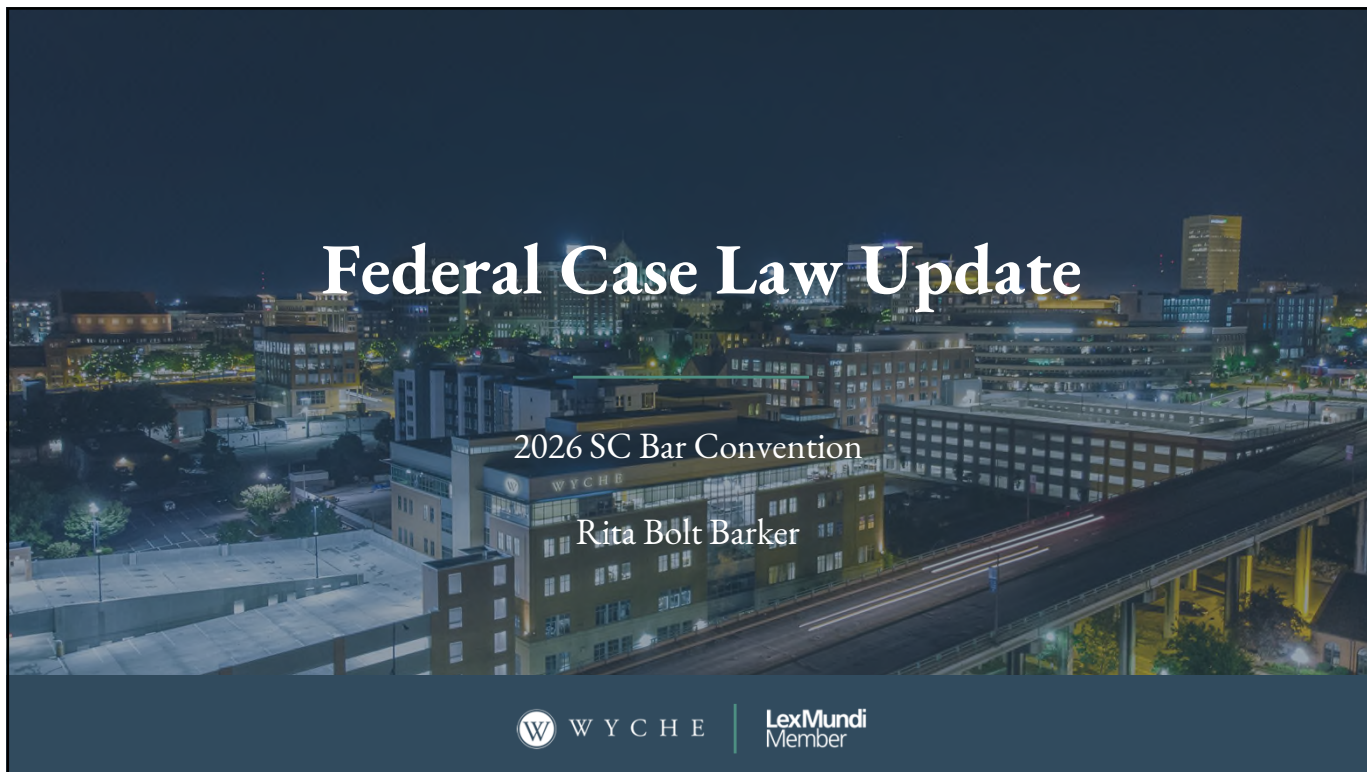
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## Federal Case Law Update and More PFAS

*Rita Bolt Barker*





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## San Francisco v. EPA

### Reversed



Justice Alito



Chief Justice Roberts



Justice Gorsuch



Justice Kavanaugh



Justice Thomas

### Dissented



Justice Barrett



Justice Jackson



Justice Kagan



Justice Sotomayor



W Y C H E

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## San Francisco v. EPA

Section 1311(b)(1)(C) does not authorize the EPA to include “end result” provisions in NPDES permits. Determining what steps a permittee must take to ensure that water quality standards are met is the EPA's responsibility, and Congress has given it the tools needed to make that determination.



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# Seven County v. Eagle County

## Reversed & Remanded

Justice Kavanaugh

Chief Justice Roberts

Justice Alito

Justice Barrett

Justice Kagan

Justice Jackson

Justice Sotomayor

Justice Thomas

## Recused

Justice Gorsuch

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## Seven County v. Eagle County

The D. C. Circuit failed to afford the U.S. Surface Transportation Board the substantial judicial deference required in NEPA cases and incorrectly interpreted NEPA to require the Board to consider the environmental effects of upstream and downstream projects that are separate in time or place.



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## Nuclear Regulatory Commission v. Texas, Supreme Court | June 18, 2025



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## NRC v. Texas

### Reversed & Remanded



Justice Kavanaugh



Chief Justice Roberts



Justice Barrett



Justice Jackson



Justice Kagan



Justice Sotomayor

### Dissented



Justice Gorsuch



Justice Alito



Justice Thomas



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## NRC v. Texas

Because Texas and Fasken were not parties to the Commission's licensing proceeding, they are not entitled to obtain judicial review of the Commission's licensing decision.



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# Diamond Alternative Energy v. EPA, Supreme Court | June 18, 2025



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## Diamond Alternative Energy v. EPA

### Reversed & Remanded



Justice Kavanaugh



Chief Justice Roberts



Justice Alito



Justice Barrett



Justice Gorsuch



Justice Kagan



Justice Thomas

### Dissented



Justice Jackson



Justice Sotomayor



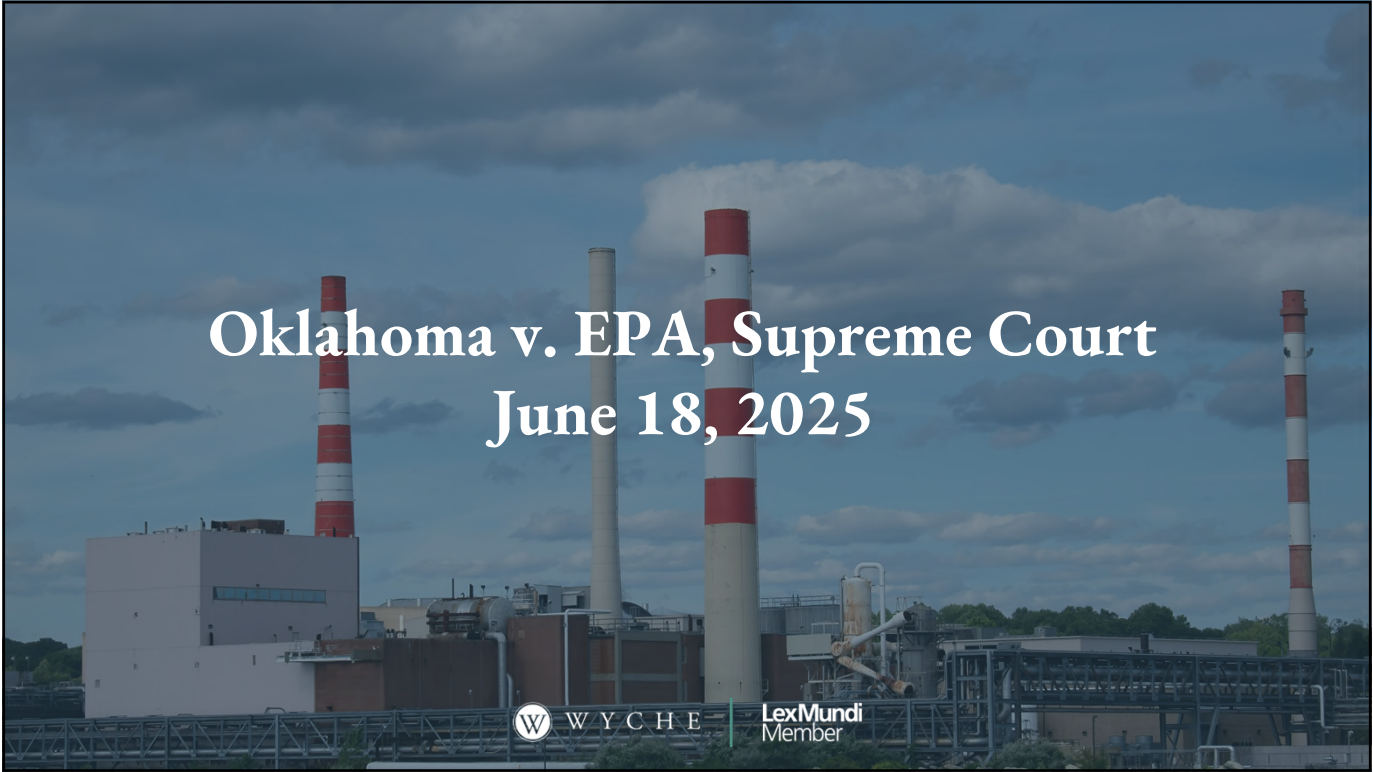
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## Diamond Alternative Energy v. EPA

The fuel producers have Article III standing to challenge EPA's approval of the California regulations.



Oklahoma v. EPA, Supreme Court  
June 18, 2025



# Oklahoma v. EPA

## Reversed & Remanded



Justice Thomas



Chief Justice Roberts



Justice Barrett



Justice Gorsuch



Justice Kagan



Justice Kavanaugh



Justice Jackson



Justice Sotomayor

## Recused



Justice Alito



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# Oklahoma v. EPA

EPA's disapprovals of the Oklahoma and Utah State Implementation Plans are locally or regionally applicable actions reviewable in a regional Circuit.



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## Other Noteworthy Federal Cases


- ExxonMobil Corporation v. Environment Texas Citizens Lobby
- Chevron U.S.A., Inc. v. Plaquemines Parish, Louisiana
- State of Maryland v. 3M Company
- Enbridge Energy, LP v. Nessel
- Climate United Fund v. Citibank
- Center for Biological Diversity v. NMFS
- Puerto Rico Municipalities v. ExxonMobil


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## Resiliency Considerations and Impact on Environmental Regulations

*Leslie Lenhardt*  
&  
*Joe Owens*

No Materials Available