



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

SC Bar-CLE publications and oral programs are intended to provide current and accurate information about the subject matter covered and are designed to help attorneys maintain their professional competence. Publications are distributed and oral programs presented with the understanding that the SC Bar-CLE does not render any legal, accounting or other professional service. Attorneys using SC Bar-CLE publications or orally conveyed information in dealing with a specific client's or their own legal matters should also research original sources of authority.

©2026 by the South Carolina Bar-Continuing Legal Education Division. All Rights Reserved

THIS MATERIAL MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE CLE DIVISION OF THE SC BAR.

TAPING, RECORDING, OR PHOTOGRAPHING OF SC BAR-CLE SEMINARS OR OTHER LIVE, BROADCAST, OR PRE-RECORDED PRESENTATIONS IS PROHIBITED WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE SC BAR - CLE DIVISION.

The South Carolina Bar seeks to support the ideals of our profession and believes that all Bar members have the right to learn and engage in the exchange of ideas in a civil environment. The SC Bar reserves the right to remove or exclude any person from a Bar event if that person is causing inappropriate disturbance, behaving in a manner inconsistent with accepted standards of decorum, or in any way preventing fellow bar members from meaningful participation and learning.

Disclaimer: The views expressed in CLE programs and publications do not necessarily reflect the opinions of the South Carolina Bar, its sections, or committees. The South Carolina Bar believes that all Bar members have the right to both meaningful learning and to the exchange of ideas in a civil environment. The Bar reserves the right to remove or exclude any person from a Bar event if that person is causing inappropriate disturbance, behaving in a manner inconsistent with accepted standards of decorum, or in any way preventing fellow Bar members from meaningful participation and learning.



South Carolina Bar

Continuing Legal Education Division

The Trump Administration's Impact on Environmental Law

Michael Traynham

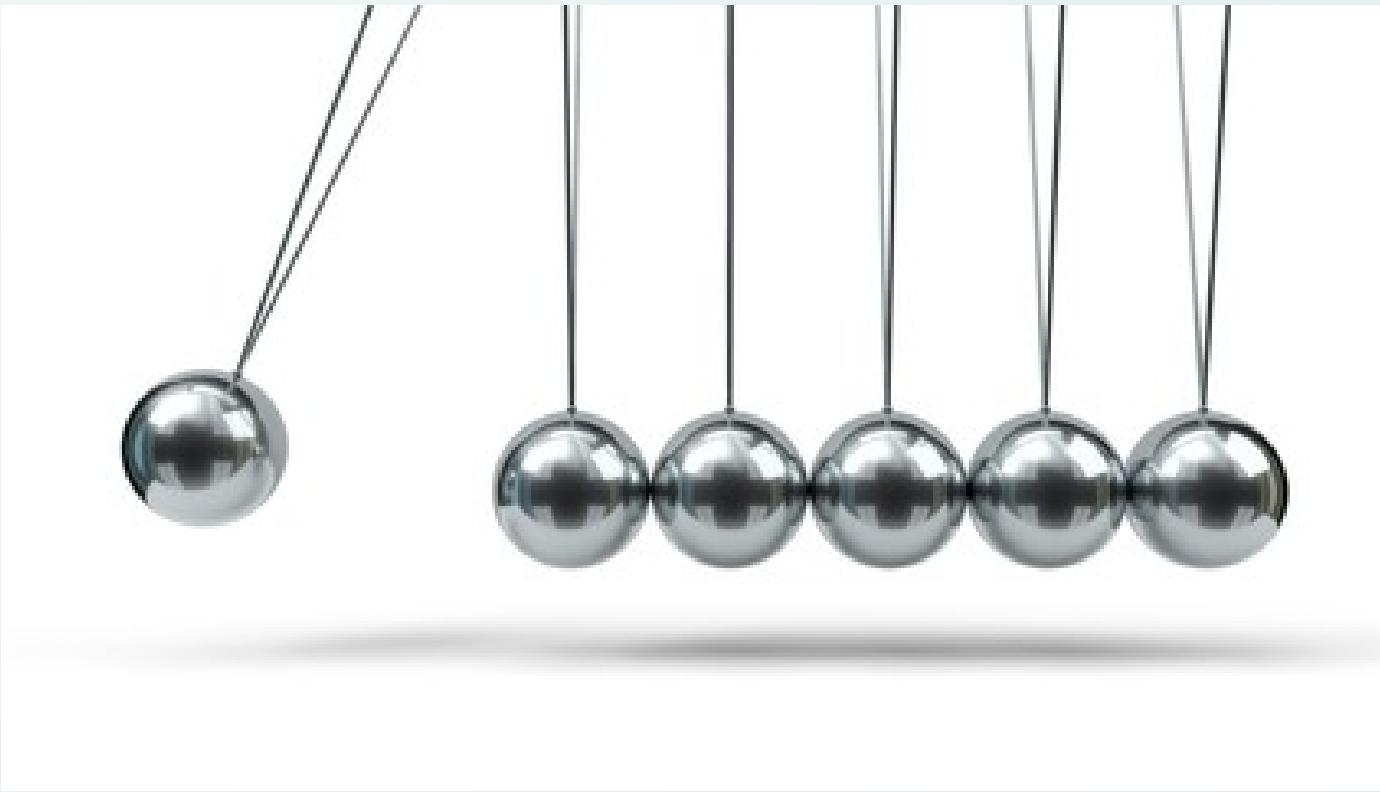


New Administration, New Environmental Landscape

Michael Traynham

SC Bar Convention 2026

First – We Need a New Analogy



Priorities and Focus

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

- 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

➤ Supreme Court Decisions Curbing Agency Power

➤ *Seven County*

➤ *City and County of San Francisco*

➤ DOJ Actions

Thank You

MaynardNexsen.com

Michael Traynham

Mtraynham@MaynardNexsen.com

(803) 540-2164



South Carolina Bar

Continuing Legal Education Division

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

Nathan Harber

No Materials Available



South Carolina Bar

Continuing Legal Education Division

PFAS

Lesley Firestone

No Materials Available



South Carolina Bar

Continuing Legal Education Division

Federal Case Law Update and More PFAS

Rita Bolt Barker



1



2

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



3

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.



4



Seven County v. Eagle County, Supreme Court | May 29, 2025

W W Y C H E

LexMundi
Member

5

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

W W Y C H E | LexMundi
Member

6

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.



7

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



8

NRC v. Texas

Reversed & Remanded



Justice Kavanaugh



Chief Justice Roberts



Justice Barrett

Dissented



Justice Gorsuch



Justice Alito



Justice Thomas



Justice Jackson



Justice Kagan



Justice Sotomayor



WYCHE

LexMundi
Member

9

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.



WYCHE

LexMundi
Member

10

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



LexMundi
Member

11

Diamond Alternative Energy v. EPA

Reversed & Remanded



Justice Kavanaugh



Chief Justice Roberts



Justice Alito



Justice Barrett

Dissented



Justice Jackson



Justice Sotomayor



Justice Gorsuch



Justice Kagan



Justice Thomas



LexMundi
Member

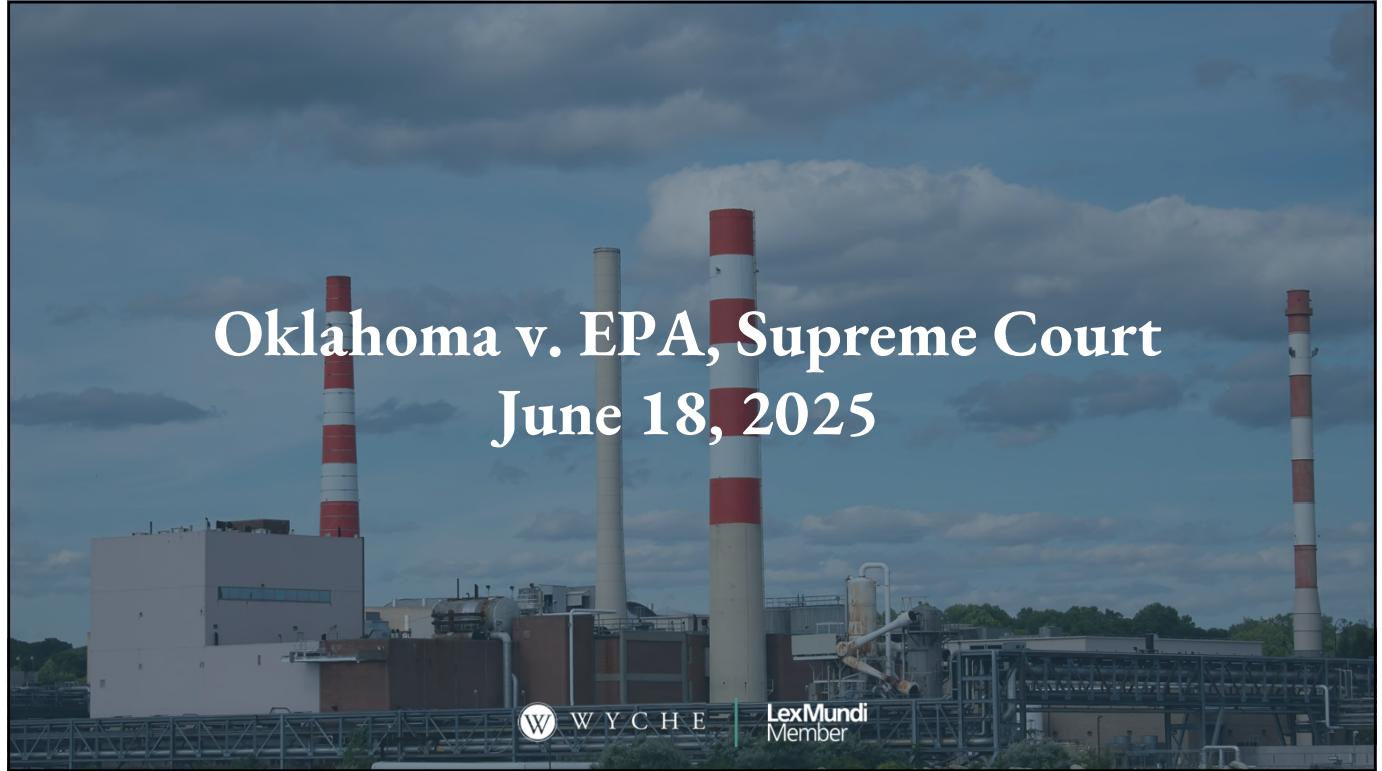
12

Diamond Alternative Energy v. EPA

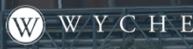
The fuel producers have Article III standing to challenge EPA's approval of the California regulations.



13

A photograph of an industrial facility, likely a power plant, featuring several tall smokestacks with red and white stripes against a blue sky with white clouds. The facility includes various buildings, pipes, and structural elements.

Oklahoma v. EPA, Supreme Court
June 18, 2025



14

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



W Y C H E



15

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.



W Y C H E



16



17

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



18



Rita Bolt Barker
Member | Wyche, P.A.

 rbarker@wyche.com

 864-242-8235

 /RitaBoltBarker

19



LexMundi
Member

20



South Carolina Bar

Continuing Legal Education Division

Resiliency Considerations and Impact on Environmental Regulations

*Leslie Lenhardt
&
Joe Owens*

No Materials Available