



For immediate release: August 24, 2023

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Settlement secured protecting clean, safe drinking water for metro Birmingham

Protections for the city's watershed will last decades

BIRMINGHAM, Ala.-- Today the Birmingham Water Works Board fulfilled a more than 20-year-old promise to legally protect the source of metro Birmingham's drinking water.

Cahaba Riverkeeper and Cahaba River Society, represented by the Southern Environmental Law Center, reached an agreement with the Board and Alabama's Attorney General to protect [7,000 acres](#) of forested land around Lake Purdy, the Little Cahaba River, and the Cahaba River from development that could impact drinking water. Today, the Jefferson County Circuit Court approved that agreement.

The protected land is a natural buffer filtering stormwater runoff, providing clean drinking water for hundreds of thousands of people, and recharging the water supply while keeping treatment costs low for all water users.

"We now have a strong tool that engages the community with the Water Board in long-term protection of the land and drinking water source," said Cahaba River Society Executive Director Beth Stewart. "We appreciate that the Birmingham Water Works Board and the Attorney General worked with us to find a solution that benefits all."

"We are relieved that after more than 20 years, the Birmingham Water Works Board has finally honored the commitment they made to legally protect this land," said David Butler, Cahaba Riverkeeper and Staff Attorney. "We have fought hard to defend the right of ratepayers to clean, affordable drinking water, and will continue to do so moving forward."

"This is a legacy agreement that all parties should be proud of," said Sarah Stokes, Senior Attorney for SELC. "This land will be legally protected for generations to come."

The agreement is set out in a consent judgement which requires restrictive covenants that will be filed in Jefferson County and Shelby County Probate Courts in 60 days. The restrictive covenants will “run with the land” for 75 years, or for as long as the Board uses Lake Purdy and the Cahaba River as a water source. Even if the Board sells the land, it is still protected. Cahaba Riverkeeper and Cahaba River Society also have a legal right to enforce all protections on the land and perform regular inspections. Any changes to the settlement must be requested in court and approved by a judge.

In 2001, the Board and AG entered into a settlement agreement requiring the parties to establish a conservation easement to protect the watershed from harmful development. The agreement also allowed ratepayers to enforce it. After attempting for three years to persuade the Board to record legal protections on the land, SELC, on behalf of Cahaba River Society and Cahaba Riverkeeper, filed suit in 2021 to compel the Board to act. In 2022, the Alabama Supreme Court [unanimously](#) sided with the conservation groups and ruled that the Board failed to adequately protect the land as required by the 2001 settlement agreement.

You can find more details on the settlement agreement [here](#).

You can find a map of the protected land [here](#).

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About Cahaba Riverkeeper: Cahaba Riverkeeper was founded to defend the ecological integrity of the Cahaba River and its tributaries, to ensure clean water and a healthy aquatic environment, and to preserve the recreational and aesthetic values of the watershed. Cahaba Riverkeeper is dedicated to the scientific study of the Cahaba to ensure that evidence-based data are readily available to the public, and to educating all citizens about the importance of clean water and how they can participate. Through our flagship Swim Guide program, Cahaba Riverkeeper provides weekly updates about water quality and over the last 10 years that data has been accessed millions of times by citizens who want to make informed decisions about recreating on the Cahaba River. Learn more at www.CahabaRiverkeeper.org

The Southern Environmental Law Center is one of the nation’s most powerful defenders of the environment, rooted in the South. With a long track record, SELC takes on the toughest environmental challenges in court, in government, and in our communities to protect our region’s air, water, climate, wildlife, lands, and people. Nonprofit and nonpartisan, the organization has a staff of 200, including more than 100 attorneys, and is headquartered in Charlottesville, Va., with offices in Asheville, Atlanta, Birmingham, Chapel Hill, Charleston, Nashville, Richmond, and Washington, D.C. southernenvironment.org

About Cahaba River Society: Cahaba River Society unites our community to restore and protect the Cahaba River watershed and its rich diversity of life. The Cahaba is a major source of our region’s drinking water. The diverse lives depending on the Cahaba include the people of the Birmingham metro area and Alabama’s Black Belt as well as the River’s globally significant biodiversity of freshwater life. CRS is an educator, expert resource, and collaborative partner for science-based, practical solutions. We inspire river stewardship by connecting people with the Cahaba for education, recreation, arts and volunteerism, and have served over 43,000 youth with education in the river. We restore the river by promoting green Infrastructure and advocating for better policies and practices for clean water, natural flows, and diverse, healthy wildlife and people. Learn more at www.cahabariversociety.org.