The New York Times https://www.nytimes.com/2022/01/12/us/politics/infrastructure-environmental-racism-alabama-black-belt.html

An Alabama Town's Sewage Woes Test Biden's Infrastructure Ambitions

The new law allocates $11.7 billion for wastewater and stormwater projects. Will it get to the impoverished communities who need it most?

By Glenn Thrush

Jan. 12, 2022

HAYNEVILLE, Ala. — What babbles behind Marilyn Rudolph's house in the rural countryside is no brook.

A stained PVC pipe juts out of the ground 30 feet behind her modest, well-maintained house, spewing raw wastewater whenever someone flushes the toilet or runs the washing machine. It is what is known as a "straight pipe" — a rudimentary, unsanitary and notorious homemade sewage system used by thousands of poor people in rural Alabama, most of them Black, who cannot afford a basic septic tank that will work in the region's dense soil.

"I've never seen anything like it. It's kind of like living with an outhouse, and I can never, ever get used to it," said Ms. Rudolph's boyfriend Lee Thomas, who moved in with her three years ago from Cleveland.

"I've lived with it all my life," said Ms. Rudolph, 60.

If any part of the country stands to see transformational benefits from the $1 trillion infrastructure act that President Biden signed in November, it is Alabama's Black Belt, named for the loamy soil that once made it a center of slave-labor cotton production. It is an expanse of 17 counties stretching from Georgia to Mississippi where Black people make up three-quarters of the population.

About $55 billion of the infrastructure law's overall funding is dedicated to upgrading systems around the country that handle drinking water, wastewater and stormwater, including $25 billion to replace failing drinking-water systems in cities like Flint, Mich., and Jackson, Miss.

Hayneville's town square. The infrastructure package targets funding toward "disadvantaged" areas like Hayneville and surrounding towns, part of the Biden administration's goal of redressing structural racism. Charity Rachelle for The New York Times

Less attention has been paid to the other end of the pipe: $11.7 billion in new funding to upgrade municipal sewer and drainage systems, septic tanks, and clustered systems for small communities. It is a torrent of cash that could transform the quality of life and economic prospects for impoverished communities in Alabama, Mississippi, North Carolina, Oklahoma, Illinois, Michigan and many tribal areas.

In this part of Alabama, the center of the civil rights struggle 60 years ago, the funding represents "a once-in-a-lifetime chance to finally make things right, if we get it right," said Helenor Bell, the former mayor of Hayneville in Lowndes County, who runs the town's funeral home.

But while the funding is likely to lead to substantial improvements, there are no guarantees it will deliver the promised benefits to communities that lack the political power or the tax base to employ even the few employees needed to fill out applications for federal aid.

“I am very worried,” said Catherine Coleman Flowers, a MacArthur fellow whose 2020 book “Waste” highlighted the sanitation crisis in Lowndes County. “Without federal intervention, we would have never had voting rights. Without federal intervention, we will never have sanitation equity.”

Mark A. Elliott is an engineering professor at the University of Alabama who works with an academic consortium that is designing a waste system optimized for the region’s dense clay soil. He said he was concerned that more affluent parts of the state might siphon off federal assistance intended for the poor.

“My hope is that at least 50 percent of this money goes to the people who are in most desperate need, not for helping to subsidize the water bills of wealthy communities,” Mr. Elliott said. “Sanitation is a human right, and these people need help.”

Straight pipes are just one element of a more widespread breakdown of antiquated septic tanks, inadequate storm sewers and poorly maintained municipal systems that routinely leave lawns covered in foul-smelling wastewater after even a light rainstorm.

The infrastructure package targets funding toward “disadvantaged” areas like Hayneville and surrounding towns, part of the Biden administration’s goal of redressing structural racism. Yet the infrastructure package gives states broad latitude in how to allocate the funding, and it contains no new enforcement mechanisms once the money is out the door.

A PVC pipe behind Ms. Rudolph’s house spews raw wastewater whenever someone flushes the toilet or runs the washing machine. Matthew Odom for The New York Times

The wastewater funding is moving through an existing federal-state loan program that typically requires partial or complete repayment, but under the new legislation, local governments with negligible tax bases will not have to pay back what they borrow. As an additional enticement, Congress cut the required state contribution from 20 percent to 10 percent.

“A lot of people know that the bill isn’t just about drinking water, but the wastewater part is just as important,” said Senator Tammy Duckworth, Democrat of Illinois, who helped draft the provisions after assisting two small cities in her state, Cahokia Heights and Cairo, upgrade failing sewer systems that flooded neighborhoods with raw sewage.

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The Environmental Protection Agency, which is administering the program, said in November that the first tranche of funding for drinking water and wastewater projects, $7.4 billion, would be sent to states in 2022, including about $137 million for Alabama.

Biden administration officials are confident the scale of the new spending — which represents a threefold increase in clean water funding over the next five years — will be enough to ensure poor communities gets their fair share.

“We want to change the way E.P.A. and states work together to ensure overburdened communities have access to these resources,” said Zachary Schafer, an agency official overseeing the implementation of the program.

But major questions remain — including whether individual homeowners without access to municipal systems can tap the money to pay for expensive septic systems — and the guidelines will not be ready until late 2022.

While the revolving loan fund is generally regarded as a successful program, a study last year by the Environmental Policy Innovation Center and the University of Michigan found that many states were less likely to tap revolving loan funds on behalf of poor communities with larger minority populations.

Alabama's revolving loan fund has financed few projects in this part of the state in recent years, apart from a major wastewater system upgrade in Selma, according to the program's annual reports.

The water funding is not likely to be divvied up in Alabama until later this year. The Republican-controlled state legislature is still negotiating with Gov. Kay Ivey, a Republican, over what to do with tens of millions of dollars allocated through the $1.9 trillion stimulus package Mr. Biden signed in March.

A flooded yard in Hayneville in 2019. Straight pipes are just one element of a more widespread infrastructure breakdown in the area. Julie Bennett/Associated Press

Every member of the state legislature is up for re-election next year, and legislators from bigger, more powerful communities in Birmingham, Huntsville and Mobile, eager to deliver to voters, have already begun preparing their applications.

The Infrastructure Bill at a Glance

The bill receives final approval. The House passed the $1 trillion bill on Nov. 5 to rebuild the country's aging public works system. The proposal is a central plank of President Biden's economic agenda, which he signed into law on Nov. 15. Here's what's inside the bill:

The state government has done little to address the problem on its own over the years. In November, the Justice Department's civil rights division, citing the Civil Rights Act of 1964, opened an investigation into charges that Alabama had discriminated against Black residents in Lowndes County by offering them "diminished access to adequate sanitation."

One of the most significant recent efforts to address the problem came not from an official state initiative, but from the work of a top state health department official. Sherry Bradley created a demonstration project to install more than 100 modern septic systems in Lowndes after cobbling together $2 million from the U.S. Department of Agriculture and wrenching $400,000 from the state.

Other projects, including improvements in the town of White Hall in Lowndes, have also been one-offs, disconnected from any larger plan to address the problem systemically.

The infrastructure bill should change that dynamic, Biden administration officials said. Efforts to create a more comprehensive approach are underway, albeit slowly. Representative Terri A. Sewell, an Alabama Democrat who represents a majority Black district, has begun reaching out to local officials to compile a list of projects to prioritize.

Most of the hamlet's houses use straight pipes dumping into creeks in Yellow Bluff, Ala. Charity Rachelle for The New York Times

For his part, Mr. Elliott, the engineering professor, is particularly interested in the hamlet of Yellow Bluff, a scattering of 67 double-wide trailers, shacks and cinder block houses under the smokestacks of a massive paper plant in Wilcox County. Most of the hamlet's houses use straight pipes dumping into creeks, and Mr. Elliott believes Yellow Bluff could benefit greatly from the installation of a small, clustered septic system.

Despite such harbingers of progress, there is a deeply entrenched sense of skepticism, bordering on pessimism, among local residents and activists weary of escorting reporters and academics on what they call "poverty tours."

Ms. Flowers, for her part, is unsure that anything approved by the state will be executed competently, so she is pushing officials and other community leaders to demand extended warranties on any wastewater and stormwater projects.

"I think living with this situation has a profound psychological impact on the people out here," she said. "It makes them feel left behind, discounted, like it's a failing on their part."

In this part of Alabama, the center of the civil rights struggle 60 years ago, the funding represents "a once-in-a-lifetime chance to finally make things right, if we get it right," said Helenor Bell, the former mayor of Hayneville. Charity Rachelle for The New York Times

Ms. Rudolph, who lives just outside of Hayneville in the tiny town of Tyler, was one of only a few people willing to talk about their straight pipe system, although they are ubiquitous.

Walking down the hill, Ms. Rudolph said it was important for people to see how hard she worked to keep the pipe clean and unclogged. She also wanted outsiders to understand the bitter hardship of it all.

"We cannot put the toilet paper in the toilet like other people," Ms. Rudolph said. "We have to put it in the trash."

A version of this article appears in print on , Section A, Page 1 of the New York edition with the headline: Worry on Aid For Sanitation To Rural Poor