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RACE

Black residents in rural Alabama demand sanitation equity, saying 'it's a right'

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Debbie Elliott

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EXHIBIT

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Gladys Maull lives in the rural community of Hicks Hill, Ala. on land that's been in her family for generations. The on-site septic system is collapsing, and she can't afford a new one.

21-cv-01531
11/12/2024 Trial
Plaintiffs Exhibit 367

Debbie Elliott/NPR

WHITE HALL, Ala. — As Ruby Rudolph walks around to the back of her brick ranch house, there's a noticeable stench.

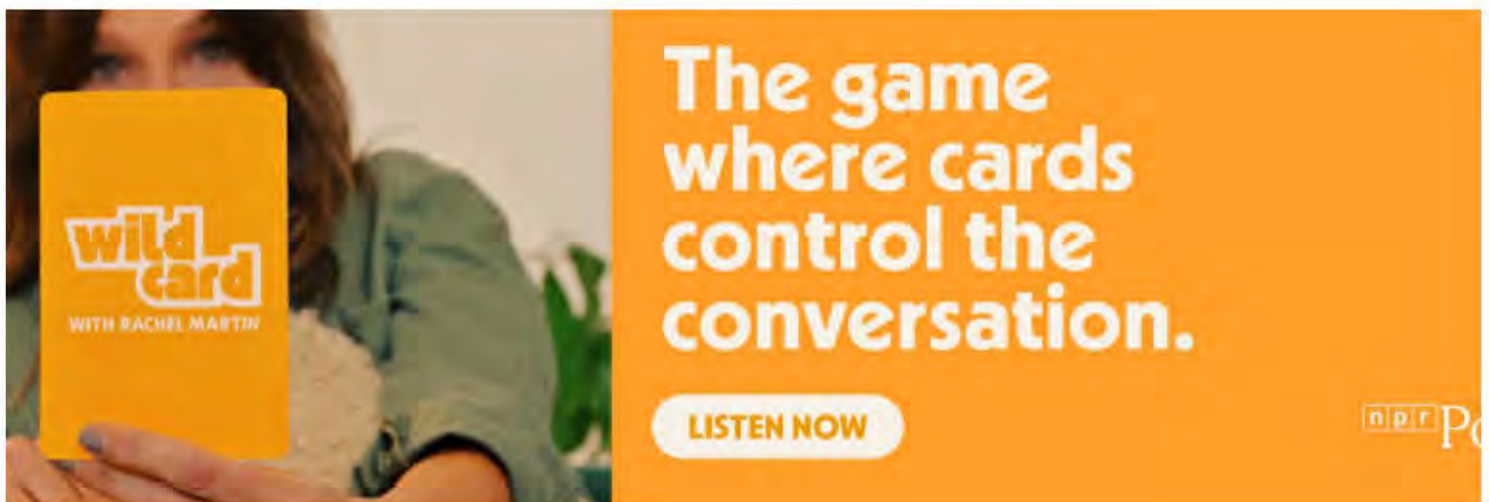
"You smell that?" she asks. "I don't even come back here no more."

On this breezy day, sewage smells waft behind the house.

Rudolph and most of her neighbors here on Gardenia Street have on-site septic tanks for sewage disposal. They're common in rural regions where there might not be enough customers for a municipal sewage treatment plant to be feasible.

But the septic tanks here are failing — some are old and others are sinking or have completely collapsed. Rudolph says she's tried getting the tank pumped out and the pipes repaired, but nothing has worked. Sewage still backs up.

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"Can you imagine going in your bathroom to take a bath and your water is not going out of your sink or out of your bathtub, and it's backed up with waste out of our body? It's terrible," she says.

This is Lowndes County, in the heart of what's known as the Black Belt — a rural, agricultural region in west Alabama named for its rich Black soil, and which also has a largely Black population.

It was called "Bloody Lowndes" because of racial violence during Jim Crow, and the county was the center of the voting rights movement in the 1960s. Marchers between Selma and Montgomery would camp overnight in tent cities here.



Like many of her neighbors in Hicks Hill, Ala., Gladys Maull straight pipes raw sewage from her mobile home to a pasture out back. Maull says nobody talked about the problem for fear of prosecution.

Debbie Elliott/NPR

Sanitation as a civil right

Now Lowndes County is at the forefront of a landmark federal environmental justice case that could establish sanitation access as a civil right.

Rudolph, who's 75, says it's about time.

"Sanitation should be a right no matter what," she says. "Sanitation should be the first thing."

The U.S. Justice Department intervened after several groups filed a complaint under the Civil Rights Act alleging racial discrimination in the way Alabama

wastewater infrastructure, favoring centralized sewer systems over on-site sanitation. The Environmental Protection Agency has also opened a civil rights probe.



Ruby Rudolph of White Hall, Ala. says sanitation should be a right.

Debbie Elliott/NPR

Lowndes County native and community organizer Stephanie Wallace says in Alabama, poor Black people are often the last to get help.

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"If you go around to these different predominantly Black communities, you see the same problems," says Wallace. "Raw sewage on the ground; no access to funding to fix the problem."

Nearly 10,000 people live in Lowndes County, which is 73% Black according to the U.S. Census Bureau. About 28% of residents live in poverty.

Raw sewage on the ground for decades

Wallace, who is 46, says water and sewage infrastructure issues have been around as long as she can remember.

"We would go up the street to play with the neighborhood kids. And their mom had this nice brick house, but a certain part of the yard we couldn't play it because there was raw sewage on the ground."

She says it should not still be happening in 2023.

"You're waiting on the residents to fix a problem that the state is aware is here," Wallace says. "They have funding to help, but you've done nothing."



Lowndes County community organizer Stephanie Wallace says poor Black residents have not had access to state funds to solve longstanding sanitation issues.

Debbie Elliott/NPR

Gladys Maull lives in the unincorporated Hicks Hill community, on land that's been in her family for generations.

"I've been in this trailer 30 years," she says. "My great-grandmother's house was actually built here."

That house originally had a septic system, but it's crumbling and doesn't work. So Maull is doing what's known as straight piping, a common practice in the Black Belt. A long white PVC tube runs along the ground from her trailer, emptying waste in a pasture out back.

"If I use the bathroom, it's going to come up right there," she says, pointing to a spot in the back yard. "That's the way it goes out right there."

She applies the mineral lime to help mask the odor, and makes sure her grandkids don't wander into that part of the yard.

Maull, a caregiver for an elderly lady, says she can't afford a new system, which would cost around \$10,000. Looking up and down her road, she counts seven neighbors in the same plight.

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A secret no one talked about for fear of punishment

"Before it was like a hush-hush thing because nobody talked about it," Maull says. "Everybody was scared of being fined and going to jail for it. Cause the law is you have to have a septic system."

They also feared losing their property because a 2019 Alabama law compelled Lowndes County residents to be either connected to a public sewer system or have a working septic system. Otherwise the county health department could install one, and put a lien on the property to recoup the expense.

But now an interim agreement between the Justice Department and the Alabama Department of Public Health prevents the state from punishing people who are not in compliance.

"That is a question that we want to really, if you will, put an end to at this moment and say that persons who have a system that is not working or a system that is not functioning at all are not going to be fined," says Dr. Karen Landers, Chief Medical Officer with the Alabama Department of Public Health. "They are not going to have any type of legal action brought against them."

State denies discrimination

Landers says the problem is complicated by both poverty, and the soil in the Black Belt region, which she says is not generally conducive to septic systems. She says getting everyone access to adequate sanitation will require a range of solutions, and a lot of money. For now, the state has \$2.2 million in American Rescue Plan Act funding to help low-income homeowners.

Landers says the first step for the health department is to develop a survey to get a handle on how widespread the issues are.

"We are taking action to find out what the problem is, where the problems are, and how we can connect people with resources to repair their systems," Landers says.

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She rejects any implication that the state was discriminating against poor Black residents.

"There was no finding against the Alabama Department of Public Health as doing anything wrong or taking any action against people that was discriminatory in any way. This was a voluntary agreement between the department and the DOJ."





President Joe Biden and Catherine Coleman Flowers, founder of the Center for Rural Enterprise and Environmental Justice, arrive for an event in the Rose Garden of the White House April 21, 2023 in Washington, DC. Biden signed an executive order that would create the White House Office of Environmental Justice.

Drew Angerer/Getty Images

Working toward sanitation equity

Environmental activists hope the agreement can serve as national model for sanitation equity.

"I think Lowndes County was just the canary in the coal mine," says Catherine Coleman Flowers, founding director of the Center for Rural Enterprise and Environmental Justice, one of the groups that filed the civil rights complaint against Alabama along with the Natural Resources Defense Council.

"People have looked away for a very long time. And hopefully now we've gotten enough attention not just for Lowndes County, but across the country."

She grew up in Lowndes County and has been pushing for better infrastructure for decades. Flowers wrote the book "Waste – One Woman's Fight Against America's Dirty Little Secret."

Every homeowner deserves to have clean water and sanitation.

Catherine Coleman Flowers

"It's more than systemic racism," Flowers says. "Systemic discrimination against rural communities is underlying it. I think that rural communities across the U.S. are suffering from the same problem. People just didn't talk about it."

Flowers says climate change is bringing it to the forefront with rising water tables, and intense storms that push more water through sewage systems.

Flowers has established a new office in Huntsville, Ala. and hopes to work with the science and technology brain trust there that serves NASA and the defense industry.

She advocates for a national policy that would put more pressure on manufacturers to offer warranties, and adapt systems that would work for specific regions. For instance, the Black Belt soil in Lowndes County that is slow to percolate.

"We just want to solve this," Flowers says. "Every homeowner deserves the right to have clean water and sanitation."

An obstacle to economic development

For White Hall Mayor Delmartre Bethel, the lack of sewage infrastructure is an economic development issue for his small town.

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"A public sewer system is attractive," he says. "It would attract more people in. But right now we don't have it."

He says it's a Catch 22 — with little more than a Dollar Store to generate tax revenue, he doesn't have the resources to build a public sewer plant that residents could afford.



Lowndes County is in the heart of Alabama's Black Belt region, a rural area where traditional municipal sewage treatment plants aren't economically feasible. Residents in the area rely on on-site sewage disposal.

Justin Sullivan/Getty Images

"You have a lot of people living check to check," he says, who could not afford an additional \$50 sewer bill.

Bethel, who is 30 and serving his first term as mayor, says he's been surprised and disheartened by some of the debate around solving the raw sewage problem.

Comments like *people need to get a better job or find a different place to live*. Others blame homeowners for dumping grease down their drains and flushing diapers down their toilets.

He thinks those sentiments are rooted in the past.

"White Hall is known for playing a pivotal part in the actual voting rights movement," Bethel says. "And so when Lowndes County wants help, it's a lot of push back because of that movement."

An attitude of 'you got the political power you wanted, now solve your own problems.'

But he's optimistic having the federal government involved can help, and he's working now to urge people to be patient and trust the process.

Overcoming a legacy of racism

That's going to be a big lift says White Hall resident Ruby Rudolph.

"Our Black people are just so used to not getting things through the state or the state helping them, so a lot of them just don't bother," Rudolph says.

State health officials acknowledge that trust is a hurdle to overcome in Alabama's Black Belt.

"I think when you look at situations where people have generationally lived in poverty and have generally generationally not had their needs addressed and have not been able to access resources, I think there is a discouragement, and rightly so," says Chief Medical Officer Karen Landers.

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She says the health department is working with local pastors and other community leaders to foster a better relationship.

"We want people to have safe, healthy living conditions."



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