

Exhibit 5

**(Haley & Aldrich Letter, dated February 27,
2014)**

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27 February 2014
File No. 39429-003

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Attention: Kelly Martin Malone, Esq.
Partner

Subject: Review of the 14 February 2014 Fuss & O'Neill Report
Rapid Infiltration Basins
Wolfeboro, New Hampshire

Ladies and Gentlemen:

Haley & Aldrich has reviewed the 14 February 2014 letter from Fuss & O'Neill to Hinckley Allen, which Hinckley Allen subsequently forwarded to the New Hampshire Department of Environmental Services. This letter provides our comments on Fuss & O'Neill's interpretation of the maximum flow of treated wastewater sustainable at the site. In general, Fuss & O'Neill's interpretation fails to distinguish between "breakout" and groundwater discharge, leading them to conclude that increased flows in groundwater-discharge zones constitute "illegal discharges." Haley & Aldrich does not concur with this interpretation. Further, Haley & Aldrich believes it is inconsistent with the state-of-the-practice in hydrogeology.

Specifically, in Haley & Aldrich's opinion, groundwater discharge to ephemeral or perennial streams and associated wetland areas does not constitute "breakout." Rather the surface waters in these features are sustained by groundwater discharge. The same is true of the surface waters and adjacent wetlands at the Wolfeboro site, both prior to RIBs construction and currently. Groundwater discharge to the receiving waters will, logically, increase whenever recharge from outside of the natural watershed is added, regardless of the source of that recharge (i.e., treated wastewater, stormwater, or drinking water). In contrast, breakout occurs when recharge causes the water table to rise above ground surface in areas that are outside of perennial or ephemeral discharge areas. Fuss & O'Neill's interpretations essentially treat these two different conditions as equals; however, they cite no specific regulations, guidance, or precedent-setting decisions made at other sites in New Hampshire or elsewhere to support their interpretation. Fuss & O'Neill instead rely on vague references to Federal and State laws to argue that the increased groundwater discharge flows in the site's western and central discharge areas (wetland areas adjacent to Nineteen Mile Brook) are illegal.

Based on the site hydrogeology as characterized by Wright-Pierce in the Groundwater Discharge Permit application materials, Haley & Aldrich concludes that NHDES would not share Fuss & O'Neill's interpretation of "illegal discharges." Specifically, the modeling performed by Watershed Hydrogeologic (described in Appendix O of the March 2007 Wright-Pierce Phase 3 Hydrogeologic

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Report) clearly show that a significant percentage of the modeled flows discharge in the model “drain nodes,” which were used to simulate the western, central and eastern discharge areas. These discharge areas are upstream and up-slope of the site surface waters (Nineteen Mile Brook and the unnamed brook). Had NHDES considered the modeled flows in the discharge zones to be evidence of “breakout,” it is unlikely that they would have granted the Town of Wolfeboro a permit to construct the Rapid Infiltration Basins (RIBs). Instead, NHDES likely permitted the RIBs understanding that the predicted discharge rates were a natural result of adding 600,000 gpd of “new water” to the site watershed.

If the site slopes had remained stable, with no evidence of sand migration to the receiving waters, Haley & Aldrich believes that the Town, NHDES, and the design team would be in agreement that the RIBs were functioning as permitted, regardless of observed flows in the discharge areas. It follows then, that the conceptual remedy that Haley & Aldrich proposes to stabilize the slopes and mitigate sand migration would allow the Town to resume operating the RIBs without violating conditions of the NHDES discharge permit.

Accordingly, without further detailed communications from NHDES regarding the distinction between “breakout” and groundwater discharge (or recent changes to how they define these terms), the following statement from Fuss & O’Neill (paragraph 3, pages 1 and 2) does not compel us to change our opinion that the Site can be remedied to accommodate the permitted flow to the RIBs:

“The Town has been further advised by the NHDES that the only way to correct this condition and to enable the operation of the RIB Site to comply with Federal and State regulations is to reintroduce the breakout flow back into the ground and for the flow to travel to Nineteenmile Brook without further breakouts.”

Haley & Aldrich has the following additional comments on the technical analysis by Fuss & O’Neill:

- 1.) As discussed above, in estimating the maximum effluent flow rate (8,900 gpd), Fuss & O’Neill dismisses the entirety of wastewater flow to the central and western discharge areas. This interpretation ignores the fact that the RIBs were permitted with NHDES’s understanding that a significant percentage of the permitted flow rate would discharge to areas that are upslope and upstream of Nineteen Mile Brook and the Unnamed Brook. Specifically, per Table 2 of the 14 February 2006 Memorandum from Watershed Hydrogeologic to Wright Pierce, which comprises Appendix O of Wright-Pierce’s March 2007 Report, the groundwater model predicted that over 50% of the 600,000-gpd model-simulated flow - 342,000 gpd - would discharge to the western, central and eastern discharge areas.
- 2.) The loading rates from RIBS 4 and 5 are not included in the RIB flows that Fuss & O’Neill used to determine the maximum allowable flow rate in the Eastern Discharge Area.
- 3.) Water observed at the ground surface during Fernstone’s delineation in 2011, was not confirmed by measured groundwater levels. F&O Stated that soil above the water table was wet during the Feb 2014 test pit excavations. Without confirming the water table elevation in

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Fernstone's 2011 study there is no way to determine if Fernstone observed "groundwater breakout" or wet surface soils similar to the conditions observed by F&O in Feb. 2014.

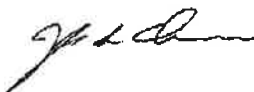
- 4.) The test pit logs provide little description of soil structure or stratification, making it difficult to corroborate the results of the permeability testing or grain-size distribution analysis. For example, permeability testing of samples from TP-102a and TP-106 yielded similar results; however, the grain-size distribution results for the two samples show markedly different fines content - 15% fines in TP-102a, and 76% fines in TP-106.

We trust that this letter meets your needs at the present time. If you have any questions, or require any additional information, please feel free to contact us.

Sincerely yours,
HALEY & ALDRICH, INC.



John R. Kastrinos, P.G., LSP
Lead Hydrogeologist



John DiGenova, P.E.
Senior Project Manager | Geotechnical Engineer

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