

STATE OF NEVADA        )  
                                  )  
COUNTY OF CLARK      )        SS:

**DECLARATION OF DONALD LEINBERGER**

I, Donald Leinberger, being first duly sworn on oath, certify under penalty of perjury that I have personal knowledge of the information contained in this declaration, and certify that the following is true and correct to the best of my knowledge, information, and belief:

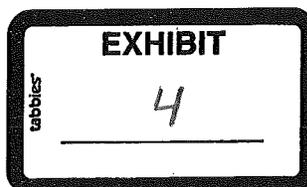
1. I am over the age of 18 and not under any legal disability.
2. I am currently the co-trustee of the Andrew H. Leinberger Family Trust (“Trust”).

The Trust is a petitioner in the proceeding before the Environmental Appeals Board entitled *In re FutureGen Industrial Alliance, Inc.*, UIC Appeal Nos. 14-68, 14-69, 14-70, and 14-71 (the “Proceeding”). I have reviewed the documents pertaining to the Proceeding that the Trust and DJL Farm LLC (“DJL Farm”) filed and also reviewed briefs filed in the Proceeding filed by the FutureGen Industrial Alliance, Inc. (“FutureGen”) and the U.S. Environmental Protection Agency (“EPA”). I have also generally monitored the Proceeding.

3. I have been the Trust’s co-trustee since September of 2012. I am personally familiar with and have inspected the Trust’s farmland (“Trust Land”). The Trust owns approximately 993 acres, of which approximately 880 acres is tillable farmland. All of the Trust Land is located in Morgan County, Illinois.

4. My wife and I own DJL Farm LLC (“DJL Farm”), which is a petitioner in the Proceeding. I am personally familiar with and have inspected the farmland owned by DJL in Morgan County (“DJL Land”).

5. Both the Trust Land and the DJL Land are located within the Area of Review for FutureGen’s four permits issued by the EPA. The four permits have the following permit



numbers: (1) EPA Permit Number IL-137-6A-0001; (2) EPA Permit Number IL-137-6A-0002; (3) EPA Permit Number IL-137-6A-0003; and (4) EPA Permit Number IL-137-6A-0004.

6. The northern border of the DJL Land, and the northern border of the Trust Land, are located within 0.2 (two-tenths) mile of the southern edge of FutureGen's projected carbon dioxide plume, as set forth in FutureGen's application for the permits. The northern borders of the Trust Land and DJL Land are located less than 1.8 miles from FutureGen's injection facility for the underground injection of carbon dioxide.

7. The migration of carbon dioxide or brine to the surface of the farmland belonging to DJL Farm and the Trust would have significant negative financial effects for both DJL Farm and the Trust. The leak of carbon dioxide would wipe out affected crops and make farming difficult and jeopardize the ability of the Trust Land and DJL Land to be farmed.

Under penalties as provided by law pursuant to 28 U.S.C. § 1746, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Dated: May 23 2015

  
DONALD LEINBERGER