

Resumé:

KENNY OGILVIE

Over the past 22 years, Mr. Ogilvie has been working with corporate environmental health and safety (EHS) managers to design and integrate value measurement techniques and programs for both compliance and environmental cleanup liabilities. He has managed corporate compliance programs, hazardous waste site investigations, and remediation projects for over 20 years. He has performed and managed Phase I-III assessments for property acquisitions and divestitures; managed underground storage tank programs; and conducted investigation and remediation of soil and groundwater under Resource Conservation and Recover Act (RCRA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), state lead, and state voluntary programs at over 100 locations. He has also conducted regulatory evaluations and insurance cost recovery reviews.

In addition, Mr. Ogilvie has provided environmental management consulting services to EHS managers and corporate groups regarding improving environmental performance and measuring and quantifying the value shareholders receive from corporate EHS and remediation programs. Using various innovation tools and financial models, he works with each client to identify the logical path to realized value in environmental leadership, creation, measurement, communication, and integration. He has spoken to special interest groups and organizations, has co-authored articles on the subject, and has had direct experience in this area for over 15 years. Through these relationships, companies have shown dramatic increases in return on investment (ROI), financial allocations, shareholder perception, and cost savings.

Mr. Ogilvie has worked with corporate, financial, and legal clients in the chemical, petroleum, specialty metals, financial, communications, pharmaceutical, medical device manufacturing, mining, and wood treating industries. He is a frequent speaker and presenter to a variety of special interest groups including The National Environmental Policy Institute, The ERRA, The American Society of Safety Engineers, The Katz Business School at the University of Pittsburgh, Carnegie Mellon University, and the Water and Environment Federation.

Education

- Graduate School of Industrial Administration, Foundation for Management Excellence Program, Carnegie Mellon University, 2003
- School of Business Administration, Management Program, The University of Michigan, 1993
- BS, Aquatic Environments, Allegheny College, 1987

Registrations and Certifications

- OSHA 40-hour Health and Safety Training, with current 8-hour refresher training

Continuing Education

- National Environmental Policy Institute, Financial Incentives Work Group

- Association for Corporate Growth – Pittsburgh Chapter
- Environmental Risk Resource Association
- National Association of Environmental Managers
- Corporate Wildlife Habitat Programs

Fields of Competence

- Merger, Acquisition, and Divestiture Services
- Site Investigation and Remediation
- Environmental Compliance and Liability Management
- Environmental Risk Management
- Health and Safety Management
- Environmental Assessments
- Regulatory Compliance

KENNY OGILVIE (continued)

- Corporate Environmental Remediation Project Management
- Environmental Insurance Evaluations and Risk Transfer Support
- Financial Modeling Including Securities and Exchange Commission Reporting
- Environmental Initiative and Program
- Integration
- EHS Training Programs

Key Projects

Mr. Ogilvie has worked with companies to evaluate and manage environmental compliance and cleanup liability. He has been involved with the development of programs and processes to evaluate, quantify, and report risk and risk minimization techniques using business processes and innovation tools to communicate project results to senior management.

He was part of a team to evaluate a remediation liability portfolio of over 1,000 sites as part of a Joint Venture Agreement buyout. The goal was to quantify total environmental cleanup liability for all sites associated with the Joint Venture and to evaluate risk transfer and minimization techniques for a formal presentation to senior management. Specific activities including developing the assumptions and ground rules, reviewing all site files, mind mapping, morphological analyses, cost estimating, and report preparation.

Mr. Ogilvie has acted as the JV transition support staff on a buy out of the joint venture for the past four years. Responsibilities include understanding the ATCA and MSA, attending quarterly meetings, oversight of remediation activities on 20 locations and UST closure activities on over 100 locations. He is often involved in negotiations, documentation, and coordination activities between the organizations.

He has evaluated the risk aspect of remediation compliance for several corporate remediation

programs. Based on the results of the ongoing evaluation the ultimate goal is to determine the current level of liability and identify and implement measures to minimize current and future risk and reduce overall spend.

He has coordinated and conducted environmental reviews for both domestic and international multi-million dollar client merger and acquisition evaluations. He has acted in this capacity for hundreds of acquisitions; several of which are described below.

Mr. Ogilvie was part of a team conducting environmental due diligence for a multi-billion dollar deal involving hundreds of sites throughout the United States, Europe, Asia, and South America. Activities included data room reviews, environmental compliance and remediation liability identification, third party liability evaluation, NRD evaluation and costing, cost modeling, cash flow analyses, and report preparation.

Mr. Ogilvie coordinated environmental liability review activities during a \$98 million acquisition of polyester resin operations, which included four manufacturing and 16 distribution facilities. Responsibilities included overseeing all investigation and remediation related inquiries and team members, preparing the final report, summarizing all acquisition activities, and preparing compliance and remediation cost estimates.

Mr. Ogilvie was part of a corporate led due diligence for acquisition of aluminum smelting activities throughout the United States and North America. Activities involved visiting sites, summarizing environmental liabilities and preparing costs to closure, cash flow analyses, and environmental due diligence reports.

He also acted as the lead coordinator to review environmental activities for a 16-site acquisition of a metal fabricator and metal powders acquisition. Responsibilities included conducting initial assessments and any

KENNY OGILVIE (continued)

necessary Phase II activities. Acquisition activities were completed within two weeks.

Mr. Ogilvie was also part of a team evaluating the purchase of a wood tie treating facility with locations through the United States. Environmental liabilities were identified and quantified and were used to successfully negotiate a lower purchase price with escrows for unknown liabilities.

Mr. Ogilvie has managed projects being completed under both Pennsylvania and New Jersey cleanup programs. He was the lead coordinator on a Pennsylvania Act 2 program that required rapid turn-around and was successfully completed within budget in less than six months to meet an acquisition deadline. Mr. Ogilvie also managed several industrial site recovery act sites through closure in the state of New Jersey.

He has managed over 100 remedial investigations and corrective action sites and over 40 RCRA closures at chemical manufacturing and distribution facilities. Responsibilities included agency negotiations; work plan closure plan, and report preparation; soil boring and sampling; groundwater monitoring; and the evaluation and implementation of treatment technologies, including the installation of groundwater recovery trenches, air strippers, and soil vapor extraction systems. In addition, he has also negotiated modifications to permits and orders that realized over \$500,000 in lost revenue savings.

Mr. Ogilvie has directed corporate programs geared toward meeting regulatory compliance, minimizing risk, and evaluating and reducing corporate and environmental compliance and environmental cleanup liability. For example, he has been responsible for corporate audit and vendor evaluation programs, emergency response plans, and general permitting and permit compliance programs.

Mr. Ogilvie was part of a team that developed a corporate environmental risk management program with a large international aluminum smelting and processing corporation. Activities included defining the liability determination process, estimating SEC financial requirements, and preparing cleanup liability reduction plans for financial risk.

He assisted in the evaluation and selection of a corporate multi-million dollar environmental information management system for a chemical and wood treating company. Project included matrix development, vendor interviews, and financial evaluations.

He facilitated a five year EHS risk management evaluation for one of the world leaders in sanitation and cleaning product manufacturing and distribution. Activities included working with corporate EHS management to identify major challenges that need addressed from 2004 through 2009. Currently evaluating risk mitigation techniques to cost effectively reduce potential environmental liability.

Mr. Ogilvie assisted in the development of a corporate compliance assurance program for a large energy production and management firm. Activities included auditing of select risk indicators including electronic and hard copy file reviews of corporate EHS programs and site visits to evaluate implementation.

For over 20 years, Mr. Ogilvie has conducted environmental assessments for insurance purposes and corporate mergers and acquisitions. He helped prepare conceptual site models and risk assessments and managed and conducted sampling programs at RCRA, CERCA, and technical enforcement support hazardous waste sites, including fast-track emergency response superfund sites. He has developed hydrogeologic investigations, including point and non-point source surface water pollution studies, underground storage tank removals, RCRA closures, leachate

KENNY OGILVIE (continued)

investigations, well design and construction, aquifer testing, magnetometer surveys, air monitoring, and soil gas investigations.

Publications and Speaking Engagements

Ogilvie, K. Bauer, A. March 2008. Environmental Management Systems, Carnegie Mellon University, Guest Lecturer – Environmental Policy and Planning.

Ogilvie, K. September 2004, 2005, and 2006. “Environmental Excellence” Carnegie Mellon University.

Ogilvie, K., Glover, J. December 2003, “Providing Business Value – Successfully Quantifying and Managing Complex Environmental Liabilities Presentation,” 7th *Semi-Annual Merger and Acquisitions Advisor Conference and Award Program*.

Ogilvie, K. June 2003, “Valuing Environmental Risk Management Departments Presentation,” *Environmental Insurance Forum*. Sponsored by the Environmental Risk Resources Association.

Ogilvie, K. August 2002, “Demonstrating the Value of Corporate Environmental, Health and Safety Services Presentation,” 8th *Annual Industrial Wastes Technical and Regulatory Conference*. Sponsored by the Water Environmental Federation.

Ogilvie, K., Carlson, R., Chizzonite, J. Spring 2002, “Improving Performance and Quantifying Value in Corporate EHS Activities,” *Environmental Quality Management Journal*.

Ogilvie, K. April 2002, “Measuring and Reporting Value in EHS and Remediation Activities – How EHS Managers Drive the Value Creation Process.” Industry roundtable sponsored by Environmental Strategies Corporation.

Ogilvie, K. December 2001, “Measuring and Reporting Quantifiable EHS Value Presentation,” Sponsored by the National

Environmental Policy Institute.

Ogilvie, K. November 2001, “Quantifying Value in H&S Activities Presentation,” Sponsored by the American Society of Safety Engineers.

Ogilvie, K. October 2001, “Improving Environmental Performance and Measuring Quantifiable Value in Corporate EHS and Remediation Activities Presentation,” Sponsored by the Northwest Chapter of the Auditing Roundtable.

Brown, M., Vondracek, J., Phillips, W., Ogilvie, K. 2000, “Indoor Air Exposure Assessments for RCRA Corrective Action Sites,” *Remediation Journal*.

Kundman, J., Ogilvie, K. 1999. Current Technical and Regulatory Developments: Risk Management Program; Persistent, Bio-accumulative Toxic Chemicals, Proposed Rule; and Commons Sense Initiative. *Environmental Claims Journal*.

Phillips, W., Johns, K., and Ogilvie, K. 1997. Risk Based Remediation: More Than Just Numbers. *Hazardous Waste Strategies Update*.

Ogilvie, K., Volkmar, R., Oliva, R., and Johns, K. 1996. Measuring and Reporting Environmental Performance Presentation. Sponsored by the University of Pittsburgh, Katz Graduate School of Business.

Ogilvie, K., Gambino, M., and Spicuzza, J. 1996. Potential Effect of Natural Resource Damage Claims on Environmental Reform. *Environmental Claims Journal*.

Ogilvie, K., Spicuzza, J., and Johns, K. 1995. Recent Developments in Cleanup Technologies-Future Land Use and Remedy Selection Under Superfund. *Remediation Journal*.