

Overview

Katya Smirnova (she/her), a Certified Fraud Examiner, specializes in economic, financial, and policy analysis in the context of enforcement proceedings, litigation, and policy making. She provides expert analytical support to federal and state environmental enforcement agency clients on projects involving assessments of economic benefit of noncompliance and financial capabilities of violating entities (businesses, individuals, municipalities, etc.) to finance investments in environmental controls and pay for penalties. Katya has provided testimony and has been retained as a testifying expert on over a dozen of cases in state and federal jurisdictions. As a Principal with IEC, she manages contracts and directs projects within her area of expertise.

Katya manages the U.S. Environmental Protection Agency Enforcement Economic Models Helpline and directs economic model development and updates (e.g., BEN, ABEL, INDIPAY, and MUNIPAY). She developed and delivered dozens of in-person and webinar-based trainings and seminars in financial analysis and concepts, including economic benefit and ability to pay, for the U.S. Environmental Protection Agency, the U.S. Department of Justice, other federal agencies, and state enforcement personnel. She is also skilled at conducting public data research and collection to identify historical owners and operations at abandoned sites with environmental liabilities.

Education

Master of Arts in Economics, Northeastern University, 2007

Bachelor of Arts, *with honors*, Economics; subsidiary qualification of English Language Interpreter, St. Petersburg State University (St. Petersburg, Russia), 2003

Certified Fraud Examiner (CFE)

Select Project Experience

For the **U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA), OFFICE OF CIVIL ENFORCEMENT**, act as a contract and project manager. Assess the financial capabilities of hundreds of businesses and individuals to pay for environmental controls or penalties. Evaluate ability to pay and estimate economic benefit associated with noncompliance. Conduct analysis of annual financial statements and tax returns, including forward-looking cash flow and ratio analysis. Assess and define intercorporate relationships and ownership patterns. Research current and past property ownership; build case timelines. Evaluate financial projections and models. Assess the companies' ability to obtain financial assurance. Prepare memoranda and expert reports to support settlement negotiations and litigation.

For the **U.S. EPA, OFFICE OF CIVIL ENFORCEMENT**, as well as state environmental protection agencies, develop training materials and conduct training in financial analysis and concepts, including economic benefit and ability to pay for businesses, individuals, and municipal entities (introductory, intermediate,

and advanced courses), corporate forms and structures, and conducting public research online. Delivered and coordinated delivery of over 50 training courses, both in-person and via webinars.

For the **U.S. EPA, OFFICE OF CIVIL ENFORCEMENT**, provide support for the financial and economic aspects of EPA's enforcement program. Maintain, update, and modify the EPA Penalty and Financial models (BEN, ABEL, INDIPAY, MUNIPAY, and PROJECT). Managed a major effort involving an update to the models' software platform and graphic design and models' modification to address tax code changes. Provide ongoing support for an EPA Helpline to assist federal, state, and local environmental enforcement personnel with questions regarding the models or financial issues.

For the **U.S. DOJ**, providing expert support on calculation of illegal profits and economic benefit of noncompliance associated with pre-permit production of a major oil and gas company. Conduct research and analysis, including into financial and operational aspects of the business; direct development of a sophisticated illegal profits model across over 100 wells. Retained as a testifying expert on the case.

For the **ILLINOIS OFFICE OF ATTORNEY GENERAL**, providing expert support on calculation of economic benefit of noncompliance associated with Clean Water Act violations by a major hotel. Conducted the analysis, assessed compliance scenarios and associated economic benefits. Retained as a testifying expert. Submitted an expert report, a rebuttal expert report, and was deposed twice.

For the **U.S. ATTORNEY'S OFFICE, WESTERN DISTRICT OF OKLAHOMA**, providing expert support in a medical fraud (Medicare/Medicaid) case against an individual and several business entities. Collect public data on the individual and related entities and individuals; research assets. Review and analyze bank statements and other information for evidence of fraud and asset withdrawal.

For **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**, act as a contract and project manager. Conduct public data research, define corporate relationships, property ownership patterns and history, and conduct ability to pay analyses of businesses, individuals, and municipalities to pay for environmental controls and penalties, including historical financial data analysis. Prepare memoranda and expert reports to support settlement negotiations and litigation. Provide testimony and serve as a testifying expert.

For **CALIFORNIA OFFICE OF ATTORNEY GENERAL**, on a case involving a property management company with Water Code violations, conducted public data research, defined corporate relationships, property ownership patterns and history, and drafted an additional information request that led to the case settlement. Retained as a testifying expert on the case.

For **PRIVATE LAW FIRMS REPRESENTING COUNTY AND STATE CLIENTS**, on cases involving claims against pharmaceutical companies and power utilities and associated opioid crisis and wildfire damages, provided financial analysis support in mediation. Evaluated inability to pay claims of a pharmaceutical company and financial condition of a county. Findings used during mediation and in settlement negotiations.

For **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**, on a case involving an organic farm with Water Code violations, assisted the Board with developing an information request for the Discharger. Conducted an ability to pay analysis and developed an expert report for the case. Testified during the Board hearing.

For **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**, evaluated ability of a municipal utility to pay the proposed penalty for water violations. Conducted public data collection and research, drafted information requests, and evaluated public financial data as well as information provided by respondent.

Assessed impacts of COVID-19 on the respondent's financial condition. Drafted several memoranda summarizing findings. Provided testimony during a settlement hearing on the case.

For the **U.S. EPA**, under contract to the **U.S. ARMY CORPS OF ENGINEERS**, act as a contract and project manager. Conduct responsible party searches of abandoned underground storage tank (UST) sites. Collect publicly available data; build case timelines; define intercorporate relationships and property ownership history and patterns; identify potentially responsible parties and their current points of contact.

For **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**, evaluated ability of a property developer (a company and a related individual) to pay the proposed penalty for water violations. Conducted extensive public data collection and research, drafted information requests, and evaluated voluminous financial data provided by respondent. Drafted an expert report summarizing findings. Retained as a testifying expert on the case.

For **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**, evaluated ability of a cannabis grower (a set of companies and a related individual) to pay the proposed penalty for water violations. Conducted extensive public data collection and research, drafted information requests, and evaluated voluminous financial data provided by respondent. Drafted several memoranda summarizing findings. Retained as a testifying expert on the case.

For **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**, provided expert support and was retained as a testifying expert in a case involving calculation of economic benefit of noncompliance by a quarry in California. Conducted public data collection and review; developed the analytic scenarios and associated calculations.

For the **U.S. DOJ**, providing expert support on a Superfund case involving inability to pay claims by multiple responsible parties. Conduct research and analysis, including into financial and operational aspects of the PRPs; investigate corporate networks, relationship, histories, and successorship. Retained as a testifying expert on the case.

For the **U.S. EPA, REGION 5** provided expert support in a TSCA case against a window installation and renovation company. Supported EPA's settlement negotiations and litigation. Conducted public data collection on the company and related entities; conducted financial analysis and evaluated the company's ability to pay. Filed an expert report summarizing findings and opinion. Retained as a testifying expert on the case.

For the **U.S. DOJ**, providing expert support in a case involving Safe Drinking Water Act and Clean Water Act violations by a large, combined water/sewer utility in the South. Conducted public data collection and research, including analysis of socio-economic and demographic trends, rate setting policies and history, governance structure, financial health, and debt capacity. Reviewed and analyzed the utility's rate models for water and sewer, including input data and forward-looking assumptions. Developed a declaration regarding the utility's history, financial health, and its ability to fund short-term emergency capital projects. Retained as a testifying expert on the case.

For the **U.S. DOJ**, provided expert support in settlement negotiations in a case involving a network of farming entities in the Midwest. Conducted public data collection, including information on land holdings, market and appraised values of the land, and percent of land forested and farmable (over 50 properties total). Assessed historical property transactions. Estimated the company's ability to acquire additional debt based on its current debt holdings and property ownership. Conducted detailed financial

analysis of the respondent and related entities, including a cash flow analysis and ratio analysis. Drafted an executive summary with ability to pay findings. Retained as a testifying expert on the case.

For the **U.S. DOJ**, provided expert support in settlement negotiations in a case involving a property manager with a history of environmental violations. Conducted public data collection, including information on land holdings (over 20 parcels total), market and appraised values of the land, and property ownership history. Estimated the company's ability to acquire additional debt based on its current debt holdings and property ownership. Retained as a testifying expert on the case.

For the **U.S. EPA REGION 5**, provided expert support and was retained as a testifying expert in several cases involving calculation of economic benefit of noncompliance by violating entities. Conducted public data collection and review; developed the analytic scenarios and associated calculations. Developed supporting reports and memoranda.

For the **U.S. EPA, OFFICE OF CIVIL ENFORCEMENT**, and the **U.S. DEPARTMENT OF JUSTICE (DOJ)**, assess the current and future financial capabilities of dozens of municipalities to pay for environmental controls (primarily combined sewer overflow programs). Conduct data collection and analysis, specifically assessment of demographic and socio-economic conditions of the service area. Evaluate utilities' financial rate planning models or develop same based on data provided by utilities. Prepare presentations and expert reports to support settlement negotiations.

For the **U.S. EPA, REGIONS 2 AND 3**, evaluated the ability of a large network of gas stations and the stations' ultimate owner to pay the proposed penalty. Collected public information on real estate and gas station ownership and management; directed discovery efforts and evaluated information received via discovery. Identified and reviewed related party transactions. Conducted financial analysis of the companies and the individual. Drafted expert reports and opinions.

For the **U.S. DOJ**, provided expert support on the financial aspects of a major combined sewer overflow case involving a municipality in the Midwest. Evaluated financial status of the municipality, prepared reports and presentations to support settlement negotiations. Developed extensive analyses via spreadsheet modeling of the impact of various compliance scenarios temporally, on the utility and on various segments of the service population. Reviewed spreadsheet models and financial data provided by the municipality. Researched the service area demographics and economic conditions, including the business climate and foreclosures.

For the **BUREAU OF OCEAN ENERGY MANAGEMENT**, developed a Lifecycle Impacts Model (LCIM) that forecasts economic and fiscal impacts of lease sales, five-year programs, and individual leases over the time horizon of the leases. Conducted data collection and analysis and developed a memorandum that presented the specific methods and data that IEc proposed to apply in the model. The general suite of key initial impacts to be generated by the LCIM include government revenues, industry profits, and industry expenditures.

For **NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY**, analyzed financial viability of five advanced/non-conventional waste-to-energy technologies. Directed data collection, including informational and data collection interviews with stakeholders and public data collection and research. Developed a flexible, user-friendly, forward-looking financial model to evaluate the driving factors behind the financial outcomes for each technology, as well as potential societal costs and benefits.

For the **U.S. DOJ**, provided expert support on the financial aspects of a Clean Air Act case involving companies that offered consulting services to foreign clients to obtain "certificates of conformity" from

EPA with respect to compliance with U.S. emissions standards for air pollutants. Evaluated the companies' and individuals' ability to pay the penalty. Researched related entities and individuals, identified, reviewed, and analyzed intercompany transactions. Assisted DOJ with drafting motions and interrogatories, managed and reviewed discovery from respondents and related entities and individuals. Drafted questions for and participated in depositions. Reviewed the companies' and individuals' accounting documents and financial statements, conducted financial and ratio analyses via spreadsheet modeling. Obtained public information on companies and individuals.

Testimony

State of California, Central Coast Regional Water Quality Control Board. In the matter of: Monterey One Water; Unauthorized Discharges of Untreated Wastewater in 2017, 2018, and 2019. Testimony at an administrative settlement hearing, 2021.

Circuit Court of Cook County, Illinois, County Department, Chancery Division. In the matter of: People of the State of Illinois et al. v. 401 North Wabash Venture, LLC, d/b/a Trump International Hotel & Tower. Depositions, June and September 2023.

State of California, Central Coast Regional Water Quality Control Board. In the matter of: JSM Organics, Inc. Testimony, 2024.