



# NYSCPG Newsletter

2017 Edition

Volume 5

<https://nyscpge.wildapricot.org>

## Legislative Update

As enter the 2018 calendar year, the grand-parenting provision has closed, and approximately 650 geologists currently are licensed in New York State. There were a substantial number of people submitting application materials at the end of the grandfathering period. We could see a couple hundred more licenses issued based on the grandfathering criteria. People have asked if their application is incomplete or deficient, whether they will be allowed to make corrections after the November 20 deadline. It's possible that you may be allowed to resolve minor issues such as correcting a date or possibly additional explanation of work experience; however, you should not assume that you will be given this opportunity.

Now that the grandfathering period is ended, any future applicants will be required to sit for the ASBOG exam for geological licensure. The test is offered in NYS twice a year on the third Friday of March and the first Friday of October. To sit for the exam, you will need to apply for licensure, be approved as qualified, and then submit the application to the test vendor. The State Education Department has advised to file your initial application paperwork approximately six months prior to the test date. This may be shortened over time, but this gives you an estimate to prepare your paperwork. Additional information regarding the test and fees can be found in the advisory section at <http://www.op.nysed.gov/prof/geol/>.

All corporations desiring to provide geological services in New York must have licensed PGs and have completed their articles of incorporation prior to the enforcement date of March 1, 2018, for persons and companies. After that date, no one can legally offer geologic services in NYS without the proper credentials. This process can take several months to complete, so business owners should begin this process now.

Remember to review the acceptable corporate structures for practicing professional services in New York State. There are multiple options for your company to choose from and each structure has specific requirements; therefore, the Council highly recommends that you consult legal and/or tax professionals for specific advice to evaluate your individual practice or your company's options. Information regarding the different corporate structures can be found at <http://www.op.nysed.gov/corp/>.

As your company begins to reestablish itself as a professional corporation of some designation, you will need to review the differing aspects of what your business offers and whether those services fall under the purview of professional services. Services that an existing "general" corporation or firm currently offers may have to be curtailed or re-established under a separate entity outside the professional corporation. Your company may still be able to perform "related" services for internal support of your own clients, i.e. directly to the project owner, but you may not be able to sell the same services to others going forward. We all need to educate ourselves regarding the different structures of professional practice and what services each of those structures allows. A general rule of thumb would be to compare with our sister design professionals what your entity intends to offer and how those related services are offered by other professions. A good place to start would be to look at the engineering firms.

The new profession of geology has resulted in revising regulations and policies that positively affect geologists. The governor recently signed a bill into law that added geologists to the list of professions that will now be chosen for state contracts based on qualifications instead of the lowest bid (The Quality Based Selection (QBS) bill). The existing law previously included architectural, engineering, and land surveying services, but not geological services. The intent of QBS is to allow agencies to select the design firm with the best experience, capabilities, technical approach and quality of personnel, matched to the needs of the project and the

agency. The Council continues to monitor and provide comments on bills in front of the legislature to protect the public and the profession.

Significantly, for the first time, the NYS Department of Environmental Conservation recently required that firms submitting proposals for a particular term contract bid, demonstrate that they will hold a valid Certificate of Authority (C of A) to offer professional geological services. This certificate is granted to companies who have incorporated in NYS with the proper credentials to offer professional geological services.

In other on-going policy interpretations, the State Education Department (SED) has issued an opinion of the geological practice law that states grandfathered engineering firms, which are those firms that were issued engineering licenses back in the early 1930s, are *not* grandfathered with respect to offering geologic services. This means that under current law, these firms will need to establish an entity to offer geologic services outside of their existing corporate structure if they wish to provide geologic services.

As questions arise from different meetings and through emails, we continue to research and provide answers. Multiple questions have been raised regarding the subcontracting of geologists by other professional firms (engineers, land surveyors, etc.) or vice versa. We have been informed that a professional firm solely authorized to provide a specific professional design services, may not subcontract with a second professional firm to provide multiple professional services to a client. This is the same as has applied to other professions before the geology licensure. In layman's terms, if you are not qualified to provide a review or oversight to another professional that is needed on a project, they cannot be subcontracted. You can enter into three-way contract with a client detailing which entity will provide given services, but neither professional can subcontract the other.

I continue to share this important reminder: geologists need to be cognizant when licensed in other states not to refer to themselves a Professional Geologist in NY until they obtain their NYS license. Now that licensing is effective in NY, it is illegal to call oneself a PG in this state without the proper credentials. If your business card lists you as a PG, you must be licensed in the jurisdiction of the address of your business. If you currently are licensed in another state, you can refer to yourself as a PG only if you display the qualifying state, e.g. PG (any state).

Thank you for your continued support. If you have questions or do not understand a provision you can contact me at [jnadeau@alphageoscience.com](mailto:jnadeau@alphageoscience.com) or submit a question and we will reply or research the question if necessary. As always, you can contact NYSED directly at [geology@nysed.gov](mailto:geology@nysed.gov) with any questions or concerns.



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## President's Message

As of our annual meeting this past October, I am now the president of the organization – your organization. I have to fill the shoes of many fine individuals, who as presidents of this organization, have guided our profession to the height it has attained.

I received my Bachelor of Science degree in Geology from SUNY- Oneonta. Although I always had an interest in the field of geology, I received my Masters in Business Administration at Adelphi University. This came about due to a job interview I had with Esso (am I dating myself?). Although I had my degree in geology, they were looking for candidates with project management skills and courses in business. I was also advised that I should take a few classes and then come back in for another interview. I was determined to have that opportunity –however, around the same time, the oil industry collapsed and many of my peers were seeking new jobs! I decided to work in the accounting department of a Fortune 500 company, rear two daughters, all the while active with my local rock and gem club, before landing a career with an environmental contractor on Long Island, as a staff geologist. Years later, my position grew to a Senior Geologist and also started handling compliance for both Petroleum and Chemical Bulk Storage.

I became active with the Council many years ago (where does the time go?), first as just a member, then a Board member, and that has transitioned into the position I now hold.

Now on to Council news:

The old news is that the grandfather period has now expired. ASBOG will be a subject that many of our future geologists will be interested in. Our more seasoned geologists should be interested in upcoming activities that will need to be addressed as a licensed professional. The Council will be the point of contact for what has occurred, what is new, and what will be happening.

The next major milestone is happening in early 2018 - March 1, 2018 to be exact! It involves the restructuring of organizations to a professional corporation in order to offer geologic services. For many months now, John Nadeau has offered to all parts of the State

information involving the processes necessary for corporate restructuring and reincorporation. He has discussed the various corporation types. This information is also available at the following website: <http://www.op.nysed.gov/corp/>

Some recent highlighted news involving our profession:

- NYSDEC request Certificate of Authority (C of A) in Geology for term contracts
- Governor signed Quality Based Selection bill – stating a profession can be chosen based on qualifications instead of low bid for state contracts
- Professional subcontracting – a professional firm solely authorized to provide a specific professional design service, may not subcontract with a second professional firm to provide multiple professional services to a client

It is your council that works with the State Education Department and with our lobbyist – a necessity for our profession. The Council is an advocate for the protection of the profession of Geology and the public. The Council monitors new legislation and protects the interest of our profession. The Council will be offering professional development and training.

Hopefully, if you are reading this, you are a member. Membership renewals are due in January. Please renew now. Offer the membership to other peers in our profession.

Our Council – your council- needs your support and the support of other potential members now and perhaps more than ever. Please contact Marc Flanagan, Chair for Membership at: [Marcflanagan05@gmail.com](mailto:Marcflanagan05@gmail.com)

At any time, please feel free to contact me with any questions or concerns.

I can be reached at [cheryl@islandpumpandtank.com](mailto:cheryl@islandpumpandtank.com)

Looking forward to an exciting year!

Respectfully submitted,

*Cheryl Neary*

NYSCPG, President



### **New York State Moves on 1,4-Dioxane Regulations in Absence of Federal Action**

Michael Burke, CHMM – Principal, Langan Engineering ([mburke@langan.com](mailto:mburke@langan.com))

Kimberly Del Col, PE – Senior Staff Engineer, Langan Engineering ([kdelcol@langan.com](mailto:kdelcol@langan.com))

Emerging contaminants are chemical substances or microorganisms that are either not regulated or are being regulated at increasingly lower concentrations due to evolving science (i.e., evolving technology, better understanding of risk, etc.). There have been several high profile discoveries of emerging contaminants in New York State drinking water, primarily perfluoroalkyl substances (PFAS) and 1,4-dioxane, that were identified during potable supply monitoring in response to the Third Unregulated Monitoring Contaminant Rule (UCMR3) – a nation-wide sampling event conducted to collect data for suspected drinking water contaminants for which EPA has not established health-based standards. Of particular concern in Long Island is the organic compound 1,4-dioxane, a synthetic ether primarily used as a stabilizer for the chlorinated solvent 1,1,1-trichloroethane. This ether was identified in 71% of the public supply systems in Long Island that were tested in response to UCMR3, 45% of which had 1,4-dioxane levels that exceeded the EPA Health Advisory Level of 0.35 micrograms per liter ( $\mu\text{g/l}$ ).



- Yes – Above EPA Health Advisory Level (0.35 µg/l)
- Information not available
- No
- Yes - Below EPA Health Advisory Level (0.35 µg/l)
- This district did not conduct testing

Source

- Citizen average Island drinking water supplies at concentrations exceeding the national ave (February 2017)  
<https://www.citizenscampaign.org/campaigns/dioxane.asp>

1,4-dioxane is highly soluble in water and resistant to natural degradation processes. Technologies traditionally used to remediate chlorinated solvents (activated carbon, air stripping, etc) are ineffective in removing 1,4-dioxane from water. The extent of 1,4-dioxane plumes tend to be larger relative to the associated solvents that, until recently, have been the focus of enforcement action. The following graphic illustrates the expanse of a well documented 1,4-dioxane plume in Tucson, AZ:



Source

- EPA Fact Sheet: Tucson International Airport Area Superfund Site (EPA, Region 9, March 2010 -<http://wemu.org/post/green-room-ann-arbor-areas-14-dioxane-plume-part-23#stream/0>)

While the United States Environmental Protection Agency (USEPA) has identified 1,4-dioxane as a 'likely carcinogen to humans', an enforceable drinking water standard (i.e., maximum contaminant level or MCL) has not been established. In response to water concerns both in Long Island and throughout New York State, Governor Andrew Cuomo enacted the Clean Water Infrastructure Act - a \$2.5-billion investment in drinking water infrastructure and water quality protection with the 2017 budget. The Drinking Water Quality Council was created pursuant to the CWIA and includes a group of 12 professionals with expertise in drinking water operations, water resources, environmental conservation, environmental engineering, toxicology, and health risk assessment with members from the New York State Department of Environmental Conservation (NYSDEC), New York State Department of Health (NYSDOH) and New York City Department of Environmental Protection (NYCDEP), water district superintendents and professors of engineering, environmental sciences, pharmacology and technology. The primary goal of this council is to make recommendations to establish enforceable MCLs for priority emerging contaminants – unregulated by the federal government - that have been found in New York's drinking water supply. The Council will also make recommendations to the New York State Department of Health (NYSDOH) on appropriate time frames and frequencies to test for emerging contaminants in drinking water, best practices for notifying the public in the event that such contaminants are detected above notification levels, and ensure that cleanup of contaminated sites acting as sources of contamination to drinking water supplies are completed in a timely manner. Since its inception, the Council has met twice, focusing on 1,4-dioxane and PFAS toxicology, occurrence in public water systems, and on treatment technologies for its removal. Future meetings will discuss topics such as pilot studies, economic impacts, public education, and remediation. The Council hopes to make recommendations on 1,4-dioxane and other emerging contaminant MCLs by October 2018.

Information regarding upcoming NYS Drinking Water Quality Council meetings can be found on their website:

<https://www.health.ny.gov/environmental/water/drinking/dwqc/>



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## Fundraising Update - December 2017

NYSCPG would like to thank the 2017 sponsors and advertisers for their continued support. Your contributions assist us with operating costs, such as the retaining of our lobbyist and management of the website. NYSCPG would like to ask you to consider renewing your corporate sponsorship for 2018. The fundraising committee is looking to add more value to the corporate sponsorship and advertiser levels, and plan to work with other NYSCPG committees to make this happen.

NYSCPG consists of a volunteer board of professionals from across New York, who have worked hard over the years to get the licensure bill passed. NYSCPG is looking to be the organization that represents the different professional geologists working in New York. For NYSCPG to continue to operate and achieve this goal, we need your assistance in financial support.

NYSCPG Fundraising Committee has set the following goals for 2018:

- Create new and strengthen existing coalitions with national geologic organizations for support and outreach.
- Continue to receive fundraising support from current sponsors and advertisers.
- Improve the value of being a NYSCPG sponsor and advertiser.
  - Website improvements.
    - Allow corporate sponsors and advertisers to post employment positions to reach the membership.
    - Increase links to geoscience news/articles.
  - Platform for sponsors/advertisers to upload logos/marketing material directly to the website database for website advertising and the newsletter.
  - Identification of national organizations meetings of interest for members, sponsors, and advertisers.
  - Improve the quality of the membership database.
  - Newsletter Deliverables.
  - Increase Emails/RSS feeds.

NYSCPG is looking for assistance with fundraising and is asking for some geologists in our regional sister organizations to help. If you think you might be interested, please contact [todd.bown@gza.com](mailto:todd.bown@gza.com). This is a great opportunity to work with fellow geologists across the state and network to build NYSCPG support with sponsors and advertisers. Since NYSCPG is a volunteer organization, we would only expect a few hours a month from any interested individuals to help us achieve our goals.

Regards and Happy Holidays,

Todd G. Bown

Fundraising Committee Chair



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## A Career Working at the US EPA

By Robert M. Alvey

I've been employed by the US EPA since March of 1997. My actual title is geologist and I've been with Region 2's (NY-NJ, PR and VI) Emergency and Remedial Response Division, Program Support Branch and part of the Technical Support Section since I started. This is also known as "Superfund" and I've been the assigned hydrogeologist for nearly 100 Superfund sites that are on the National Priority List. I also was EPA's Project Manager for a few Brownfields grant program, and Project Officer and Interagency Agreement Manager for support contracts with the USGS. In early 2018, I'll have reached the financial limit in my position as GS13, Step 10. During this time, I was also a long term member and co-Chair of EPA's Groundwater Forum, served a "detail" as Assistant to the Regional Administrator, had a couple of professional papers published (and gave a good amount of technical presentations), earned a box-full of awards, and served a few years on a US Senate appointed task force to address some serious groundwater contamination issues impacting Long Island.

I still wonder if I've accomplished anything important as a professional geologist, but recognize that I'm just a small cog in a very large gear. It's paid the bills..although I've also needed to teach geology as a local college for nearly twenty years to pay the bills and raise a family. I started with EPA late in my career, having another previous 20 years' geologic experience in utility design and construction, a term in Saudi Arabia as consultant to the USACE, environmental consulting, a stint with Nassau County as a hydrogeologist, and I'm already getting a small pension from a utility, Brooklyn Union Gas. I mention this as most people don't realize a geologist can have a 40+ year career and live on Long Island.

If you are looking for a career as a geologist or hydrogeologist at EPA, the openings are few and far between. Most employees are engineers or scientists, but all become more "administrators" than anything else. If you can't see yourself sitting at a desk most of the time, the position as "inspector" or "on-scene coordinator" is one you may be more suited for. Overall, EPA's total current employment is roughly 14,500 and dwindling again in the current political environment. The Partnership for Public Service recently published their 2017 poll "Best Places to Work in the Federal Government" and EPA scored a 63.5 out of 100, placing EPA at 18th out of 25 mid-sized (1,500-15,000) agencies. While it was a bit down from 2016, I note it is up from 2014. The highest ranked agency for employment in 2017 was FERC- the Federal Energy Regulatory Commission. The Peace Corps ranked 6th, and EPA was just ahead of the Court Services and Offenders Supervision Agency.

One aspect of my geologic work with EPA is that I've had the privilege of working in collaboration with a number of State geologists and project managers, as well as USGS and academic research geologists. The work I do requires a lot of contacts in research, innovative technologies, and training. There are times I've been contacted by our own attorneys to discuss a site and provide a short summary of the contamination characterization results. Much of our Superfund site work is actually

done by our contractors, and developing a good relation with their geologists and project managers is imperative. I have a healthy sense of humor which relieves tension associated with some of the assignments, and have found that a key to productive work. Still, I'm looking forward to retirement soon and my "P.G." will only refer to "Prefers Gardening".

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## Photos from the Joint Field Event, October 18 - Syracuse, NY



The joint field event was a huge success on October 18, in Syracuse, NY. Co-sponsored by the NYSCPG, the Northeast Section of AIPG, and the Central NY Association of Professional Geologists, approximately 65 people participated in the field demonstrations and 95 people attended the dinner and evening presentation to learn applications of down-hole geophysical methods for investigating and monitoring complex contaminated sites. Geology majors representing five local colleges in central NY attended the event. The above two photos show drillers from Parratt-Wolff demonstrating the use of membrane interface probes (MIP) and hydraulic profiling tools (HPT) during direct-push drilling while attendees took notes and asked questions.



Participants in the October 18 field event learned by demonstration and got a chance for their own hands-on experience using various methods for ground water purging and sampling technologies in actual monitoring wells.



The student geologists and professionals benefited alike to learn or refresh their rock and soil logging skills, demonstrated here by seasoned local geologist. Volunteers from all three sponsoring geological organizations participated. The event raised more than \$1000 for NYSCPG to continue advocating for the profession of geology in New York State.



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## Outreach Committee Report

Cheryl Neary, Chair

Members of the Outreach Committee (OC) have reached out to students – our future geologists - at SUNY Cortland this past Fall semester. Dr. David Barclay was one of the first chairpersons to respond to the Outreach Committee request to provide a presentation to a College/University.

Gene Florentino and Rick Watt traveled to Cortland and while they were providing information to all who attended they too were learning about concerns the geology majors were expressing.

Based on this initial encounter, the presentation is being revised and we will be making contact with the several other colleges/universities that have reached out to us.

If there are colleges or universities interested in having the presentation, please contact any of the representatives listed below.

Cheryl Neary @ [cheryl@islandpumpandtank.com](mailto:cheryl@islandpumpandtank.com)

Gene Florentino @ [gflorentino@ene.com](mailto:gflorentino@ene.com)

Rick Watt @ [rwatt@ene.com](mailto:rwatt@ene.com)

Michael Rygel @ [michael.rygel@gmail.com](mailto:michael.rygel@gmail.com)

The OC will be working with our Fundraising Committee for an event to be held in the Wine Country.

The OC is working with HMPGA to provide another exciting event – Wednesday, May 16, 2018. It is not too early to mark down on your calendars the event! There will be more information to follow. Any company interested in sponsoring the upcoming event should contact me. I can be reached at [cheryl@islandpumpandtank.com](mailto:cheryl@islandpumpandtank.com) -631.462.2226.

Additionally, anyone interested in joining the OC committee should contact any of the following representatives:

<b>Region I</b>	Cheryl Neary	<a href="mailto:cheryl@islandpumpandtank.com">cheryl@islandpumpandtank.com</a>
<b>Region II</b>	Nick Recchia	<a href="mailto:nrecchia@geiconsultants.com">nrecchia@geiconsultants.com</a>
	Scott Yanuck	<a href="mailto:syanuck@laurelenv.com">syanuck@laurelenv.com</a>
<b>Region III</b>	Patrick Diggins	<a href="mailto:geodiggins@gmail.com">geodiggins@gmail.com</a>
<b>Region IV &amp; V</b>	Marcia Wolosz	<a href="mailto:darcyslaw@gmail.com">darcyslaw@gmail.com</a>
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<b>Region VII</b>	Marty Meriwether	<a href="mailto:martinm@pwgrosser.com">martinm@pwgrosser.com</a>
<b>Region VIII &amp; IX</b>	Gene Florentino	<a href="mailto:GFlorentino@ene.com">GFlorentino@ene.com</a>

The committee has been set-up to simulate the NYSDEC as far as regions of the state are involved. For each DEC region, we have a “lead” person. If you are interested in being on the committee, please contact the lead in your region.

We meet via in-person and through a conference call the third Wednesday of each month.

Also, the OC will be involved with a joint meeting to be held in the Spring of 2018 in the Albany area. More information will follow in later newsletters about the Spring Symposium.

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## Geology in the News

### Geologists report new discoveries about Kansas, Oklahoma earthquakes

December 14, 2017  
University of Kansas

<https://phys.org/news/2017-12-geologists-discoveries-kansas-oklahoma-earthquakes.amp>

### Huge Bubble of Hot Rock May Be Rising Under New England

If the findings hold up, the northeastern U.S. may be more geologically active than anyone realized.

<https://news.nationalgeographic.com/2017/12/magma-bubble-rising-under-new-england-volcanoes-science/>

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### **Statement of Purpose**

The NYSCPG strives to strengthen and advance the geologic sciences as a profession, promote the protection of public health and welfare and the environment through the professional practice of geologic sciences, and create high standards of ethical conduct among its members and within the profession of geology, as well as the legal standing of geologists and their ability to practice geology in New York State by promoting the licensing of geologists in New York State through statutory regulation.

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