



Illinois Environmental Protection Agency

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JB Pritzker, Governor

James Jennings, Acting Director

Inspection Report

GENERAL INFORMATION

Report Date:	3/6/2026	Inspection Date:	3/3/2026
IEPA report by:	Magdalena Tomala	Last Inspection Date:	3/3/2026

Data Entry Information

ID#	Location Name	Address
089407ATV	Fox Shore Apartments	430 N River St, Aurora, IL 60506

SOURCE INFORMATION

LOCATION

Facility ID #:	089407ATV
Company Name:	Fox Shore Apartments
Street Address:	430 N River St
City, County:	Kane
State, Zip Code:	IL, 60506

OWNER

Name:	Fox Shore Preservation LP / Essence Development
Contact/Title:	Daryl Mattis / Senior Vice President, Construction
Contact Address:	6 Greene St Apt 500, New York, NY 10013-5817
Contact Phone/Fax:	646-856-0690
Contact Email:	dmattis@essencedev.com

RENOVATION CONTRACTOR

Name:	Legacy Construction
Contact/Title:
Contact Address:
Contact Phone/Fax:
Contact Email:

2125 S. First Street, Champaign, IL 61820 • 217-278-5800
 1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 • 618-346-5120
 595 S. State Street, Elgin, IL 60123 • 847-608-3131
 412 SW Washington Street, Suite D, Peoria, IL 61602 • 309-671-3022

115 S. LaSalle Street, Suite 2203, Chicago, IL 60603
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SCOPE OF INSPECTION

- Investigate information received about improper asbestos removal
- Site is a 94-unit residential apartment building, **subject to NESHAP**
 - Note: Facility is located in an EJ area.

SUPPLEMENTAL INSPECTION NARRATIVE

2/25/2026

- Original information received by email (see attached)
 - The correspondence was submitted by Atty. Margaret Anne Hill/Blankrome on behalf of her client, Essence Development ("Essence"), as a voluntary disclosure regarding renovation activities conducted at the subject property and indicates that:
 - Essence acquired the property in 2025. Following the acquisition, Essence commenced interior renovations which were limited to unoccupied residential units. Renovation activities began in December 2025. On February 13, 2026, Essence received the results of a 2017 asbestos inspection report prepared by an environmental consulting firm, Partner Engineering and Science, Inc., indicating the presence of asbestos containing materials within the building (see attached).
 - Essence immediately suspended all renovation activities in the unoccupied units. No renovation work has been conducted since that date. Renovation work is pending further evaluation and compliance planning.
 - Essence acknowledges that renovation activities were performed for approximately two months in unoccupied units prior to the receipt of the 2017 asbestos report and without implementation of the work practices and notification procedures applicable to renovation activities involving ACM under applicable requirements.
 - The email also mentioned "corrective" actions being taken by Essence:
 - Retaining a properly licensed Illinois, asbestos abatement contractor to perform all necessary, abatement and related regulated activities in compliance with applicable, local, federal and state requirements.
 - Conducting any additional inspection, sampling, PLM testing, and assessment necessary to fully delineate the present and condition of ACM.
 - Providing all required notifications prior to commencing renovation activities.
 - Implementing internal procedures to ensure full compliance with asbestos regulatory requirements going forward
 - Essence stated through their attorney that:
 - is committed to full compliance with applicable environmental requirements and to protecting public health and the environment.
 - is prepared to cooperate with IEPA and to provide any additional information requested.
 - will undertake any reasonable measures deemed necessary to address this matter.

- No notification on file and no fee paid
- Tomala spoke via phone with Margaret “Peg” Hill, atty. for Essence (215-500-7585):
 - Tomala requested a copy of the 2017 asbestos inspection report. Ms. Hill advised she/her client is in possession of the report, but the report was not prepared for her client. The said report was prepared before Essence acquired the property.
 - Tomala inquired about the number of apartments that have undergone the reno so far, the type of work, areas that were affected and sizes of those areas. Ms. Hill did not have specific information on the number of apartments; however, she said there were not that many of them and that Essence has done work on areas of ceilings that contained asbestos and other areas that did not have asbestos. She stated that all apartments that they worked on were unoccupied.
 - Tomala asked to hold off on any further activities at the site, so the owner and the Agency can get on the same page. She said they will.
 - Tomala advised that the Agency will get back to them once the review of information that they will send is completed.
- Tomala emailed Atty. Hill asking for a reply with the 2017 asbestos inspection report.

2/28/2026

- The Agency received an email from Atty. Hill including the following attachments:
 - Limited Hazardous Materials Survey Report, dated 2/24/2026 [February 2026 Report], prepared by TRC (see attached)
 - From that report:
 - “The following materials were sampled and reported as greater than 1% asbestos:
 - Acoustic ceiling texture throughout the building”
 - Asbestos Survey Report, dated 8/18/2017 [2017 Report], prepared by Partner Engineering and Science, Inc. (see attached)
 - From that report:
 - “Based on the conditions set forth in this report, the following ACMs were confirmed:
 - **Textured Surfacing Material**, located on all ceilings - approximately 100,000 square feet (SF)”

3/3/2026

- Tomala received a voice mail from Daryl Mattis/Essence (646-856-0690):
 - Mr. Mattis advised he is onsite and available for inspection
 - Asked for a call back
- Tomala talked on the phone with Mr. Mattis (646-856-0690):
 - Tomala confirmed inspection will happen today and advised Mattis of ETA – around 11 am
 - Mattis advised Tomala he flew in for the inspection after learning about it from Essence counsel
 - Tomala inquired about a side entrance to the building to avoid using main entrance. Mattis informed the main entrance is situated the way that provides discrete entry and exit from the building.

- Tomala asked Mattis to prepare a list of units and common areas involved in recent renovations, both where work was completed and if there are any areas where work was underway and halted. Mattis said he will.
- Onsite inspection
 - Inspectors present: Magdalena Tomala – inspection inside and outside, Quinlan Chiu – assisting outside and observation of premises outside including two large dumpsters.
 - Tomala and Chiu arrived at the site at 10:55 am.
 - Inspectors met with Daryl Mattis/Essence shortly after arrival. Per Mr. Mattis, he takes care of construction related matters for Essence.
 - Mattis explained there are over 20 units available for inspection. There are 6 completed ones on the first floor, and the rest is in various stages of construction on all 4 floors of the building.
 - With PPE on, including respirator, Tomala entered the building with Mattis at 11:22 am.
 - 27 units were inspected in the order provided and observations below:
 - 108 – 3 Br – completed – “smooth” kitchen and bathroom ceiling (photo 1076)
 - 110 – 1 Br – completed – “smooth” bathroom ceiling (photo 1098)
 - 111 – 1 Br – completed – “smooth” kitchen and bathroom ceiling (photos 1108, 1110)
 - 119 – 1 Br – completed – “smooth” bathroom ceiling (photo 1138)
 - 122 – 2 Br – completed – “smooth” bathroom ceiling (photo 1162)
 - 123 – 3 Br – completed – “smooth” bathroom ceiling (photo 1182)
 - While at the door to unit 219, Tomala observed two workers pushing gondola full of equipment, one of them had a t-shirt on with the name of an asbestos contractor: EHC Industries.
 - 219 – 1 Br – “smooth” bathroom ceiling (photo 1221), plumbing section of bathtub wall opened up.
 - While at the door to unit 224, Tomala spoke with Marco Hernandez/EHC Industries with Mattis present. Hernandez and four other workers of EHC were onsite to perform cleaning of units under various stages of construction (27 total). Hernandez indicated that cleanup work is in PPE and under negative air, they get into units to pick up loose debris, wet wipe surfaces, and vacuum as preparation for next work. After that is done, they seal units on the entry unit door. He added they do not do any reno or demo work. Hernandez provided names of EHC employees with direct supervision over him and his crew; estimator – Kevin Cagney, and superintendent – Victor Pacheco. Mattis added that his company decided to proceed this way out of abundance of caution after they found out that the walls contained traces of asbestos. He also added that EHC is subcontracted by another contractor hired by Essence.
 - 224 – 2 Br – used as a storage for EHC – Tomala observed negative air machines, sprayers, wipes, and various other equipment used by asbestos professionals. Unit floors were covered with cementitious layer, water was standing in one of the bedrooms and in bathroom. As later clarified by Mattis, there was a leak in the bathroom floor above and also some water got into the unit through the bedroom window. Part of bathroom ceiling was fixed with an approximately 2 ft x 3 ft purple drywall sheet (photo 1262).
 - 217 – 2 Br – “smooth” bathroom ceiling, part of bathroom ceiling fixed with purple drywall (photo 1294).
 - 216 – 1 Br – “smooth” bathroom ceiling (photo 1315), plumbing wall in bathroom removed and partially fixed with purple drywall.

- 215 – 1 Br – “smooth” bathroom ceiling (photo 1334), remnants of wallpaper show signs of spray-painting of the ceiling, part of wallboard removed from bathtub wall.
- 210 – 1 Br - “smooth” bathroom ceiling (photo 1359), part of wallboard removed from bathtub wall.
- 205 – sealed – 1 Br – “smooth” bathroom ceiling partially replaced (photo 1383), part of wallboard removed from bathtub wall.
- 208 – sealed – 3Br – “smooth” bathroom ceiling (photo 1408), part of wallboard removed from bathtub wall.
- 304 – 1 Br – spray-painting of wall showing on floor tiles, various colors and sizes of floor tiles on unit floor, light from a unit floor above visible through a ceiling opening over bathtub, and ceiling damaged by opening where fan was removed (photo 1441).
- 303 – 2 Br – black mastic upon entry, floor tiles removed from hallway and part of LR/DR area (photos 1450-1453), parts of plumbing side wallboard removed in bathroom.
- 312 – 2 Br – kitchen ceiling fixed with approximately 3 ft x 7 ft purple drywall sheet (photo 1514), “smooth” bathroom ceiling (photo 1531).
- 313 – 2 Br – four large washing machines are stored in this unit, bathroom ceiling disturbed where fan was removed (photo 1551)
- 401 - sealed – 1 Br – negative air machine running (photo 1570), some cleaning equipment in, floor tiles removed from three closets, parts of bathroom walls removed, bathroom ceiling disturbed where fan was removed (photo 1594).
- 402 – sealed – 1 Br – parts of bathroom wallboard removed.
- 407 – sealed – 2 Br – portions of kitchen and bathroom wallboards removed, bathroom ceiling disturbed where fan was removed (photo 1644).
- 410 – sealed – 1 Br – ceiling disturbed where walls were removed between kitchen, living room, bathroom and entry closet, and bedroom closet (photos 1651 – 1654, 1659-1663, 1665).
- 417 – sealed – 2 Br – bathroom ceiling disturbed where fan was removed (photo 1688), parts of bathroom wallboard removed.
- 422 – sealed – 1 Br – parts of bathroom wallboard removed.
- 421 – sealed – 1 Br – ceiling disturbed where walls were removed between kitchen, living room, bathroom and entry closet, and bedroom closet removed – ceiling disturbed (photos 1719-1726, 1730, 1731).
- 106 – sealed – 1 Br – ceiling and walls removed between kitchen, living room, bathroom and entry closet, and bedroom closet removed, it appears new framing was installed, ceiling removed from that area [approximately 200 sq ft] (photos 1740-1746, 1755, 1757, 1758).
- 112 – sealed – 3 Br, 2 Bth – wallboard removed between kitchen and LR, and hallway and bedrooms, with ceiling disturbed (photos 1764, 1765, 1767, 1769, 1783, 1785); wallboard and ceiling [approximately 50 sq ft] removed in one bathroom (photos 1772-1778), smooth ceiling in second bathroom (photo 1790), some floor tiles removed.
- Tomala observed that in most cases, plastic sheet covering “sealed” unit doors was not sealed to the floor, so even when negative air machines are in use (only observed one machine in use), they are pulling in contaminated air. The precautions in use are not sufficient to prevent recontamination of these units.
- Tomala noticed that electrical improvements were made in several of the units inspected and included partial wallboard removal around a new electrical panel unit, usually in a hallway closet.

- Also, small holes in the ceilings were cut out in hallways and/or bedrooms of some of the units to allow for installation of presumably fire alarm, smoke/CO units.
 - Fourth floor laundry room was inspected with no signs of construction.
 - First floor hallway showed patching all over walls; no sign of work underway was observed in hallways on the second, third, and fourth floor.
 - Basement/garage was inspected. Currently the space is used for storage of construction materials and equipment.
 - Inspection of the interior was completed at 3 pm.
 - After decon was completed, inspectors Chiu and Tomala with Mattis present inspected the area around the building:
 - Large dumpster by Groot was present at the north-west corner of the building containing some yard waste and household items.
 - At the south side of buildings there were two portable potty units by SBC Portable Restrooms (312-522-1115), and a large dumpster by SBC Waste Solutions containing small amounts of packing waste and what looked like construction debris.
 - Tomala asked Mattis how many units are currently occupied. He advised that around 2/3 are occupied and 1/3 are vacant.
 - Inspectors left the site at around 3:35 pm.
- Estimate of total RACM disturbed (from textured ceilings alone) = over 800 sq ft.
 - “Smooth” bathroom ceilings noted in inspection observations indicate textured ceiling RACM has been removed. Each bathroom ceiling is approximately 35 sq ft.
 - 14 observed units with impacted bathroom ceilings (approximately 490 sq ft)
 - Additional quantified areas of disturbed ceilings (in units but not bathroom) (approximately 300 sq ft)
 - Additional unquantified areas of disturbed ceiling RACM noted in several units, on all four residential floors.

SIGNATURE	
REPORT CERTIFICATION:	<input checked="" type="checkbox"/> <i>Magdalena Tomala</i> Inspector

ATTACHMENTS:

- Original email from Atty. Hill
- Limited Hazardous Materials Survey Report dated 2/24/2026, prepared by TRC
- Asbestos Survey Report dated 8/18/2017, prepared by Partner Engineering Science, Inc.
- Inspection photos